Tom Schilke, Jim Poulson, Bob Letsch, Rocke Calvelli, Todd Pettit, Tom Cramer, David Koenings, Tom Donavan, Donald Hartig, Roger DeMark, Edward Evenson, Brian Verhayen. The managers of the team are: Robert Olley, David Dudor, and Jef Miller.

The players who will participate in the national tournament play are: Joseph Gamell, Charles Wood, Tom Schilke, Jim Poulson, Bob Letsch, James Hesse, Rocke Calvelli, Todd Pettit, David Koenings, Tom Cramer and Donald Hartig.

The tallest man on the team is Tom Schilke; he is 6 feet 8 inches tall. The high-point man for the year has been the so-called eagle-eyed Chuck Wood. Three of his teammates were picked on the all-city team for Racine, Wis., to wit: Tom Schilke, Chuck Wood and Jim Poulson. Jim Poulson and Chuck Wood were picked for the all-Catholic conference team for the State of Wisconsin.

The team will arrive in Washington, D.C., at Union Station on Thursday, March 17, at 8:40 a.m. and will stay at the Roger Smith Hotel while in Washington.

It is with great pride that I am able to report the arrival of St. Catherine's High School basketball team to Washington, D.C. St. Catherine's is the alma mater of both my wife and myself and it is indeed a true and real pleasure to see this group of splendid young men, whom I have watched play on several occasions, come to Washington with the enthusiastic backing of their schoolmates and the adult population of the entire city of Racine. The spirit of teamplay has permeated their actions during the entire year and I predict that they will leave Washington Sunday evening as the winners of the tournament and with the 1960 trophy tucked away in their luggage.

I believe that St. Catherine's High School should be congratulated for its consistent ability to develop such fine athletic teams and for its dedication to the development of manhood in those participating in its athletic programs.

SENATE

FRIDAY, MARCH 18, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

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

O God of men and of nations, we come to Thee with deep gratitude for our surpassing heritage.

Our charter of freedom tells us that our worth and our dignity as individuals lie not in our role as citizens of any state, but because Thou hast created us in Thy image.

Thou hast given us the vision of a righteous nation with freedom and justice and opportunity for all. Grant us the grace to be loyal to that mission.

Beneath our diversities may we keep sacred the fundamental unity which is the true glory of this dear land of freemen. May our concern for impoverished, exploited, and enslaved people everywhere be equal to that for our own welfare.

In a vision that may startle us, and open our eyes to the solemn facts of these crucial days, make clear to us that the massed difficulties besetting us are not so much political and economic, as they are moral and spiritual; and that in all our baffled search for solutions, only by fresh awareness of Thee can the present social decay which threatens the inner life and the outer strength of the Nation be redeemed to decency and righteousness.

We lift our prayer in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 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.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 361)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the Second Semiannual Report of the National Aeronautics and Space Administration, covering the period of April 1, 1959, through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, beginning with the new reports.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the calendar, beginning with the new reports, will be stated.

UNITED NATIONS

The Chief Clerk read the nomination of Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

Mr. JOHNSON of Texas. Mr. President, I know Mr. Mann very well. He comes from my State, and we take great pride in his distinguished service. So I am very much pleased that he has been nominated to this very important assignment.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

The Chief Clerk read the nomination of Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The Chief Clerk read the nomination of Siguard S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring Jan. 27, 1963, and until his successor has been appointed and qualified.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO PERU

The Chief Clerk read the nomination of Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ROUTINE DIPLOMATIC AND FOREIGN SERVICE NOMINATIONS

The Chief Clerk proceeded to read sundry routine nominations in the Diplomatic and Foreign Service.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

That completes the new reports on the Executive Calendar.

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

The PRESIDENT pro tempore. 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.

The PRESIDENT pro tempore. Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of February 1960 relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

REPORT ON STOCKPILE OF STRATEGIC AND CRITICAL MATERIALS

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a secret report on the stockpile of strategic and critical materials, for the period ended December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, for the calendar year 1956 (with an accompanying report); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, prior to December 24, 1942 (with an accompanying report); to the Committee on the District of Columbia.

LIBERALIZATION OF IMMIGRATION AND NATIONALITY ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF LABOR

A letter from the Under Secretary of Labor, transmitting, pursuant to law, a report on tort claims paid by the Department of Labor during the year ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF AN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order suspending deportation in the case of Toh Jung Lin, together with a statement of the facts and pertinent provisions of law pertaining to the case, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Appropriations:

"CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO MAKE POSSIBLE THE CONSTRUCTION OF CAVE RUN RESERVOIR ON LICKING RIVER

"Whereas it has been long recognized that the Licking River has many advantages as a potential reservoir site; and

"Whereas a dam in the Cave Run area close to the source of the river would prevent the floods that periodically sweep the length of the river; and

"Whereas the opportunities presented by the power source and the recreational facilities that would attend the construction of the dam and reservoir would attract industries and visitors, to the benefit of the entire State: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the U.S. Congress is hereby petitioned and memorialized to appropriate funds to construct the Cave Run Reservoir, on the Licking River.

"SEC. 2. That the clerk of the senate cause copies of this resolution to be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress.

"JOHN T. TILLIS."

RESOLUTIONS OF ORGANIZATIONS OF STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD several resolutions adopted by organizations of the State of New York.

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

RESOLUTION ADOPTED BY THE BOARD OF EDUCATION, CITY SCHOOL DISTRICT, SCHENECTADY, N.Y., URGING THE ENACTMENT INTO LAW OF SENATE BILL 105 FOR THE GRANTING OF SCHOLARSHIPS TO CHILDREN OF VETERANS UNDER CERTAIN CIRCUMSTANCES

Resolved by the Board of Education of the City School District of the City of Schenectady, N.Y.:

SECTION 1. This board urges Congress and the President of the United States to enact into law Senate bill 105 for the granting of scholarships for certain persons from income resulting from the investment of certain alien property seized during World War II by the U.S. Government.

SEC. 2. The clerk of the board of education is hereby directed to send copies of this resolution to our Representatives in the U.S. Congress, namely, Senator KENNETH B. KEATING, Senator JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

SEC. 3. This resolution shall take effect immediately.

RESOLUTION ADOPTED BY THE SCHENECTADY COUNTY BOARD OF SUPERVISORS, SCHENECTADY, N.Y., AT THE MARCH 8 MEETING URGING SCHOLARSHIPS FOR VETERANS

Whereas legislation has been introduced in Congress that would set aside and invest $100 million in World War II enemy war assets seized from Germany and Japan—with the interest thereon—to be used for the establishment of 2,000 educational scholarsips in the field of science and engineering; and

Whereas, although priority and preference in the awarding of the aforementioned scholarships will be given to children of veterans of World Wars I and II and the Korean conflict, nonveterans will also be eligible for the awards; Now, therefore, be it

Resolved, That the Schenectady County Board of Supervisors urge the passage and enactment into law of U.S. Senate bill No. 105 as a positive step in strengthening and broadening educational programs in science and engineering; and be it further

Resolved, That copies of this resolution be transmitted to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

RESOLUTION ADOPTED BY THE NEW YORK CITY COUNCIL ON MINIMUM WAGE MEMORIALIZING CONGRESS AND THE STATE LEGISLATURE TO SUPPORT THE $1.25 MINIMUM WAGE BILL

Whereas the Council of the City of New York, through its special committee to investigate the causes of low wages in the city of New York and the feasibility of establishing an adequate minimum wage, undertook a study which had amongst its purposes the ascertainment of the causes of low wages in the city of New York, the extent to which low wages have increased the cost of services provided by the city of New York to those workers who receive low wages, and ways and means of remedying this serious basic problem; and

Whereas the study included analysis of available statistics and other pertinent material, as well as public hearings to which representatives of the city government, trade unions, industry and business, and privately supported social service, civic, and welfare groups were invited and were heard; and

Whereas it was found that many thousands of families in the city of New York are subsisting under substandard living conditions primarily because of the low wages paid to the wage earners of the families, that this constitutes a social and economic danger to the welfare of our city, the State, and the Nation, that this condition with living costs mounting, has resulted in great demands for, and the expenditure of many millions of dollars annually by the city of New York and by private voluntary social services, hospitals, and charitable organizations in an effort to alleviate these conditions; and

Whereas, under present conditions, unless remedied, such needs and expenditures will mount to a point where they cannot be met; and

Whereas this problem is not unique to the city of New York, but exists to a greater or lesser degree in every community throughout the State of New York and the United States; and

Whereas these vast expenditures constitute subsidies by the taxpayers and contributions to business and industry, which are neither morally nor economically justifiable; and

Whereas the immediate means of affording some relief to the low-paid workers and to the local governments and charitable organizations, already too heavily burdened, is by the establishment of a minimum wage which comes closer to meeting actual needs: Now, therefore, be it

Resolved, That the Council of the City of New York most urgently petitions the Legislature of the State of New York to enact a law, without delay, which will establish at the earliest possible date a minimum wage of $1.25 per hour for a 40-hour work week, with appropriate premium overtime thereafter, the same to apply to employees in all businesses and industries and to regular nonprofessional employees of voluntary nonprofit organizations, such as hospitals.

Practices existing in industries of computing tips, board and lodging or other considerations of actual value as part of wages may be committed to continue, but the real value of such allowances must be such as assures receipt by the employee of at least the minimum wages prescribed. Exceptions in the law should be narrowly limited in carefully defined areas, as similarly should be the discretion of the industrial commissioner to grant exceptions; and be it further

Resolved, That the Legislature of the State of New York enact such a law without waiting for action which may be taken by the Congress of the United States; and be it further

Resolved, That the clerk of the council is hereby directed to transmit a copy of this resolution to the Governor of the State of New York, the Lieutenant Governor of the State of New York, the majority leader of the senate, the minority leader of the senate, the speaker of the assembly, the majority leader of the assembly, the minority leader of the assembly, to each member of the senate and assembly whose district is in the city of New York and to the industrial commissioner of the State.

BILLS INTRODUCED

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

By Mr. DOUGLAS:

S. 3224. A bill for the relief of Min-sun Chen; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself, Mr. SALTONSTALL, Mr. KEATING, Mr. JAVITS, Mr. CASE of New Jersey, Mr. SCOTT, Mr. BEALL, Mr. PROXMIRE, Mr. MAGNUSON, and Mr. PASTORE):

S. 3225. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

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

By Mr. SPARKMAN:

S. 3226. A bill to amend section 809 of the National Housing Act; to the Committee on Banking and Currency.

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

By Mr. BEALL:

S. 3227. A bill to amend the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 3228. A bill to amend the provisions of part II of the Interstate Commerce Act which authorize certain operations within a State as a common carrier by motor vehicle engaged in interstate or foreign commerce if State authorized; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS:

S. 3229. A bill to amend the Public Buildings Act of 1959 to provide for the preservation and maintenance of the Dolly Madison House, the Benjamin Taylor House, and the old Belasco Theater for historical, cultural, and civic purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 3230. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

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

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF COMMITTEE PRINT CONTAINING STATE REPORTS ON WATER RESOURCES AND PROBLEMS

Mr. KERR submitted the following concurrent resolution (S. Con. Res. 94); 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 Senate Select Committee on National Water Resources four thousand additional copies of the committee print, prepared by that committee, containing the reports of the States to the committee on their water resources and problems.

LIBERALIZATION OF QUOTA SYSTEM OF IMMIGRATION AND NATIONALITY ACT

Mr. DIRKSEN. Mr. President, certainly one of the most difficult problems before Congress—and this statement is true with regard to nearly every session—relates to the broad question of immigration. When all is said and done, I believe the nub of the problem is how to protect the country against a great stream of immigrants who could have a dislocating effect on the economy, yet at the same time to ease the explosive effect of overpopulation in other countries and do our fair share in the refugee field, not closing the door so tight as to destroy all hope for all people that there will be a haven and a life in America.

I think that is the basis for the message the President sent to the Congress with regard to a new immigration bill. I shall not try to belabor the matter, but I think, in order to round out the full case, I should ask unanimous consent to have printed in the RECORD at this point, in connection with my remarks, some pertinent data.

First, I ask unanimous consent to have printed in the RECORD the President's message, which was sent to the Congress on yesterday.

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

To the Congress of the United States:

I again urge the liberalization of some of our existing restrictions upon immigration.

The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people. Yet no analytical study can so dramatically demonstrate its position in the world as the simple truth that here, more than any other place, hundreds of thousands of people each year seek to enter and establish their homes and raise their children.

To the extent possible, without dislocating the lives of those already living here, this flow of immigration to this country must be encouraged. These persons who seek entry to this country seek more than a share in our material prosperity. The contributions of successive waves of immigrants show that they do not bring their families to a strange land and learn a new language and a new way of life simply to indulge themselves with comforts. Their real concern is with their children, and as a result those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

In the world of today our immigration law badly needs revision. Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards. While I realize that such a departure from the past is unlikely now, a number of bills have already been introduced which contain the elements of such an idea. The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve.

For immediate action in this session I urge two major acts:

First, we should double the 154,000 quota immigrants that we are presently taking into our country.

Second, we should make special provision for the absorption of many thousands of persons who are refugees without a country as a result of political upheavals and their flight from persecution.

The first proposal would liberalize the quotas for every country and, to an important extent, moderate the features of existing law which operate unfairly in certain areas of the world. In this regard, I recommend the following steps:

1. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

2. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920, which is the present base;

3. The annual acceptance of one-sixth of 1 percent of our total population;

4. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas I have recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959. In other words, the increase in the quota for Italy, for example, would not be based upon a percentage of a so-called Italian ethnic group within our country, but upon a percentage of actual immigration from Italy between 1924 and 1959; and

5. The unused quotas of undersubscribed countries should be distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

My second major proposal is for authorization for the parole into this country of refugees from oppression. They are persons who have been forced to flee from their homes because of persecution or fear of persecution based upon race, religion, or political opinions, or they are victims of world political upheaval or national calamity which makes it impossible for them to return to their former homes.

This year has been designated World Refugee Year. The United States and 68 other nations have joined together in an attempt to seek permanent solutions for the problems of these peoples. Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

I have asked the Attorney General to submit a draft of legislation to implement the recommendations I have made. The administration stands ready to supply whatever information is necessary to permit appropriate action by the Congress during its present session. If, notwithstanding my specific recommendations, the Congress should enact other or different liberalizations of our immigration law that are constructive, I will be glad to approve them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

Mr. DIRKSEN. Mr. President, secondly, I ask unanimous consent to have printed in the RECORD an outline of the administration's immigration bill; which deals with revision of quota system, including quota computation, quota basis, quota figures, quota allocation, unused quota numbers, Asia-Pacific triangle, new political entities; refugee provisions, including definition, admission, and status; Asian spouses; and visa applications.

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

OUTLINE OF ADMINISTRATION'S IMMIGRATION BILL

I. REVISION OF QUOTA SYSTEM

A. Quota computation

1. Present quotas computed on basis of white U.S. population.

2. Proposed quotas to be computed on total U.S. population.

B. Quota basis

1. Present quota based on 1920 census.

2. Proposed quota to be based on—

(a) The 1950 census.

(b) The 1960 census, when available.

C. Quota figures

1. Presently, based on 1920 white United States population, 154,657.

2. Proposed, based on 1950 total United States population, 256,000.

3. Proposed, based on 1960 total United States population, 300,000 (estimated).

D. Quota allocation

1. Present quota of 154,657 continued to be allocated as at present.

2. Quota of each minimum quota area raised from 100 to 200.

3. Remainder of quota increase to be distributed among the several quota areas in proportion to total immigration to United States from each area between July 1, 1924, and July 1, 1959.

E. Unused quota numbers

1. At present, unused quota numbers are forever lost.

2. As proposed, unused quota numbers are to be placed in a pool.

(a) Each oversubscribed quota area shares in pool in proportion to relationship between its proclaimed quota and the aggregate quota of all other oversubscribed areas.

F. Asia-Pacific triangle (20 nations)

1. Presently, has quota ceiling of 2,000 (100 to each existing nation).

2. As proposed, ceiling is eliminated although each affected nation continues to have quota of 100.

G. New political entities

1. Guaranteed quotas of not less than the total of subquotas or minimum quotas previously applicable to areas involved.

II. REFUGEE PROVISIONS

A. Definition

1. "Refugee" is an alien—

(a) Who has fled Communist area or country in Middle East to escape persecution based on race, religion, or political opinion; or

(b) Who is away from and unable to return to his usual place of abode because of natural calamity, military operations, or political upheaval; and

(c) Is in a non-Communist area; and

(d) In need of resettlement help.

B. Admission

1. President, by proclamation may direct the Attorney General to parole into United States refugees selected by Secretary of State, upon finding—

(a) Existence of refugees;

(b) It is in the interests of the United States to permit them entry.

2. Without Presidential proclamation Attorney General has authority to parole into United States—

(a) Ten thousand refugees;

(b) Refugees to be selected by Secretary of State.

C. Status

1. Attorney General may adjust status of admitted refugee to that of alien lawfully admitted for permanent residence if alien—

(a) In United States for 2 years;

(b) Person of good moral character;

(c) Adjustment of status not contrary to national welfare, safety, or security.

2. Attorney General reports to Congress each adjustment of status case—

(a) Adverse resolution of either House before close of congressional session next following the report requires Attorney General to call for departure of alien from United States.

III. ASIAN SPOUSE

1. Asian spouse to be chargeable to the quota of accompanying spouse.

2. Asian spouse of native of Western Hemisphere country to be classified as nonquota immigrant if accompanying or following to join such spouse.

IV. VISA APPLICATIONS

1. Applications for visas no longer to require information as to applicant's race or ethnic classification.

Mr. DIRKSEN. Mr. President, in connection therewith I ask unanimous consent to have the bill in its entirety printed at this point in the RECORD.

There being no objection, the bill was 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 section 201 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) be amended to read as follows:

"Sec. 201. (a)(1) The annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1950, as determined by the United States census of 1950: *Provided,* That when the 1960 census is completed, the annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1960, as determined by the United States census of 1960.

"(2) The annual quota shall be distributed in the following manner:

"(A) Each quota area shall first be allotted the same quota as it received under the law in existence prior to the enactment of this Act;

"(B) The minimum quota for each minimum quota area as heretofore determined under the law in existence prior to the enactment of this Act shall be increased by one hundred numbers, and the total of such increases shall be deducted from the remainder of the annual quota;

"(C) The remainder of the annual quota shall then be distributed among the several quota areas in proportion to the actual immigration into the United States of immigrants chargeable to each such quota area between July 1, 1924, and July 1, 1959.

"(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the Secretary of State shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration and Nationality Act shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the Secretary of State, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202(e).

"(c) Except as otherwise provided in subsection (f), there shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the

last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

"(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

"(1) section 19(c) of the Immigration Act of 1917, as amended;

"(2) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act: *Provided*, That the quota deductions required under the provisions of the Displaced Persons Act of 1948, as amended, the Act of June 30, 1950 (64 Stat. 306), and the Act of April 9, 1952 (66 Stat. 50), are hereby terminated effective July 1, 1957.

"(f)(1) Quota numbers of all quota areas authorized under the provisions of subsection (a), which have not been issued or otherwise used at the termination of a fiscal year, shall be assigned to a quota pool.

"(2) The Secretary of State shall, at the end of each fiscal year, determine the amount of quota numbers in the quota pool. He shall proclaim the number thereof on or before October 1 following the end of each fiscal year. The quota numbers so determined and proclaimed by the Secretary of State shall be available for use in the following manner, during the ensuing twelve-month period, beginning October 1 and ending September 30 of the following year:

"(A) The quota numbers in the quota pool shall be available for visa issuance to qualified quota immigrants chargeable to the quotas of the quota areas whose quotas have been oversubscribed during the previous fiscal year in the following manner: Each quota of such quota area shall receive a percentage of the number of visas in the quota pool equal to the percentage that its quota proclaimed by the President bears to the aggregate of the quotas of all those quota areas whose quotas were oversubscribed during such previous fiscal year.

"(B) The exceptions to the determination of quota to which an immigrant is chargeable, specified in section 202(a) in respect to quota areas, shall apply in determining the quota area to which an immigrant is chargeable under this subsection;

"(C) Immigrant visas shall be issued to qualified quota immigrants under this subsection in the manner and to the preference classes specified in paragraphs (1), (2), (3), and (4) of section 203(a). An eligible immigrant shall be entitled to receive such a visa only if there is not immediately available to him an immigrant visa under the quota specified in subsection (a);

"(D) Quota immigrant visas issued to aliens under this subsection shall be issued in the order specified in section 203 (b) and (c) of this Act;

"(E) There shall be issued to quota immigrants under this subsection in any calendar month of the twelve-month period specified in this paragraph no more immigrant visas than 10 per centum of the respective percentage of the quota pool to which the particular quota area may be entitled, except that during the last two months of such period immigrant visas may be issued without regard to the 10 per centum limitation contained herein;

"(F) Quota numbers not issued or otherwise used under this subsection during the twelve-month period specified in this paragraph shall not be available for issuance or other use at any other time."

SEC. 2. Section 202(c) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(c)) is amended to read as follows:

"(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than two hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section. Immigrant visas authorized under the provisions of subsection (f) of section 201, as amended, shall not be available to persons born in any colony or other component or dependent area described in this subsection."

SEC. 3. Section 202(e) of the Immigration and Nationality Act (66 Stat. 178; 8 U.S.C. 1152(e)) is amended to read as follows:

"(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provision of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change."

SEC. 4. Paragraph (5) of subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)(5)), is amended (1) by inserting "(A)" after "(5)" at the beginning of such paragraph and (2) by adding the following additional subparagraph:

"(B) (i) As used in this paragraph, the term 'refugee' means any alien (A) who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist, Communist-dominated, or Communist-occupied area, or from any country within the general area of the Middle East, and who cannot return to such area or country on account of race, religion, or political opinion, or (B) who is out of his usual place of abode because of a natural calamity, military operations, or political upheaval, and who is unable or unwilling to return to his usual place of abode, and (C) who is in a country or area which is neither Communist nor Communist dominated, and (D) who has not been firmly resettled and is in urgent need of assistance for the essentials of life.

"(ii) Whenever the President shall find that a situation has arisen causing the creation of a class or classes of aliens who fall within the meaning of the term 'refugee' as defined in this paragraph and that it would be in the interests of the United States to permit the prompt entry into the United States of refugees, he may by proclamation direct the Attorney General to parole into the United States refugees selected by the Secretary of State: *Provided*, That the Attorney General is authorized, in the absence of any such proclamation by the President, to parole into the United States refugees selected by the Secretary of State, and their accompanying spouses and unmarried sons or daughters under twenty-one years of age, including stepsons and stepdaughters and adopted sons and adopted daughters, except that the total number of aliens paroled into the United States under this proviso in any fiscal year shall not exceed 10,000."

SEC. 5. Subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)) is hereby amended by adding a new additional paragraph (9) reading as follows:

"(9) (A) Notwithstanding any other provisions of this Act or any other law, any alien who is or has been paroled into the United States by the Attorney General under the authority of paragraph (5) of this subsection and has not otherwise acquired permanent residence status in the United States may apply to the Attorney General for adjustment of his status to that of an alien lawfully admitted for permanent residence.

"(B) If it shall appear to the satisfaction of the Attorney General that the alien has remained in the United States for at least two years, is a person of good moral character, and that such action would not be contrary to the national welfare, safety, or security, the Attorney General, in his discretion, may record the alien's lawful admission for permanent residence as of the date of the alien's last arrival in the United States. A complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such adjustment of status. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of Congress next following the session at which a case is reported, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified, the alien shall be regarded as lawfully admitted to the United States for permanent residence as of the date of the alien's last arrival in the United States."

SEC. 6. Section 202(a)(5) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(a)(5)) is amended to read as follows:

"(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a nonquota immigrant status under paragraph (27)(A), (27)(B), (27)(D), (27)(E), (27)(F), or (27)(G) of section 101(a), shall be chargeable to a quota as specified in subsection (b) of this section: *Provided*, That the spouse or child of an alien defined in

section 101(a)(27)(C), if accompanying or following to join him, shall be classified under section 101(a)(27)(C), notwithstanding the provisions of subsection (b) of this section."

SEC. 7. Section 222 of the Immigration and Nationality Act (66 Stat. 193; 38 U.S.C. 1202), is amended by deleting from subsection (a) the language "race and ethnic classification;", and by deleting from subsection (c) the language "his race and ethnic classification:".

Mr. DIRKSEN. Mr. President, finally, because this is pertinent information, I ask unanimous consent to have printed in the RECORD an estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures.

Those are the new suggested years as a basis for the additional quota numbers.

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

Estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures

Quota area	Immigrants admitted from quota areas [1] (1)	Percent from quota areas (2)	Annual quota in 1959 (3)	Increase in minimum quota (4)	Quota increase (5)	Total quota (6)
All quota areas	3,772,388	100.000	154,887	5,900	139,213	300,000
Europe	3,565,848	94.525	149,597	900	131,591	282,088
Albania	6,171	.164	100	100	228	428
Andorra	48	.001	100	100	1	201
Austria	51,326	1.360	1,405	--------	1,893	3,298
Belgium	29,860	.792	1,297	--------	1,103	2,400
Bulgaria	4,293	.114	100	100	159	359
Czechoslovakia	89,163	2.363	2,859	--------	3,290	6,149
Danzig, Free City of	3,651	.097	100	100	135	335
Denmark	35,895	.952	1,175	--------	1,325	2,500
Estonia	14,609	.387	115	--------	539	654
Finland	15,645	.415	566	--------	578	1,144
France	95,162	2.522	3,069	--------	3,511	6,580
Germany	823,446	21.828	25,814	--------	30,387	56,201
Great Britain and Northern Ireland	639,082	16.941	65,361	--------	23,584	88,945
Greece	70,571	1.871	308	--------	2,605	2,913
Hungary	83,226	2.206	865	--------	3,071	3,936
Iceland	2,525	.067	100	100	93	293
Ireland	251,140	6.657	17,756	--------	9,267	27,023
Italy	386,929	10.257	5,666	--------	14,279	19,945
Latvia	44,315	1.175	235	--------	1,636	1,871
Liechtenstein	275	.007	100	100	10	210
Lithuania	39,365	1.044	384	--------	1,453	1,837
Luxembourg	2,368	.063	100	100	88	288
Monaco	303	.008	100	100	11	211
Netherlands	76,358	2.024	3,136	--------	2,818	5,954
Norway	72,696	1.927	2,364	--------	2,683	5,047
Poland	319,175	8.461	6,488	--------	11,779	18,267
Portugal	27,448	.728	438	--------	1,013	1,451
Rumania	38,203	1.013	289	--------	1,410	1,699
San Marino	1,693	.045	100	100	63	263
Spain	19,370	.513	250	--------	714	964
Sweden	78,081	2.070	3,295	--------	2,882	6,177
Switzerland	38,449	1.019	1,698	--------	1,419	3,117
Turkey	19,849	.526	225	--------	732	957
Union of Soviet Socialist Republics	99,297	2.632	2,697	--------	3,664	6,361
Yugoslavia	85,861	2.276	942	--------	3,168	4,110
Asia	160,529	4,255	3,090	2,800	5,924	11,814
Afghanistan	154	.004	100	100	6	206
Arabian Peninsula	234	.006	100	100	8	208
Asia-Pacific	--------	--------	100	100	--------	200
Bhutan	24	.001	100	100	1	201
Burma	520	.014	100	100	20	220
Cambodia	5	--------	100	100	--------	200
Ceylon	225	.006	100	100	8	208
China and Chinese persons	47,720	1.265	205	100	1,762	2,067
Asia—Continued						
Guinea	--------	--------	100	100	--------	200
India	5,944	.158	100	100	220	420
Indonesia	5,579	.148	100	100	206	406
Iran	4,579	.121	100	100	169	369
Iraq	2,813	.074	100	100	103	303
Israel	7,875	.209	100	100	291	491
Japan	45,335	1.202	185	--------	1,674	1,859
Jordan	2,548	.068	100	100	95	295
Korea	5,614	.149	100	100	208	408
Laos	1	--------	100	100	--------	200
Lebanon	3,084	.082	100	100	114	314
Malaya, Federation of	232	.006	100	100	8	208
Muscat (Oman)	5	--------	100	100	--------	200
Nepal	11	--------	100	100	--------	200
Pakistan	795	.021	100	100	29	229
Palestine, Arab	6,548	.174	100	100	242	442
Philippines	19,483	.516	100	100	718	918
Saudi Arabia	49	.001	100	100	1	201
Thailand	319	.008	100	100	11	211
Vietnam	219	.006	100	100	8	208
Yemen	614	.016	100	100	22	222
Africa	22,538	.598	1,600	1,600	832	4,032
Cameroons (British)	29	.001	100	100	1	201
Cameroun (French)	18	.001	100	100	1	201
Ethiopia	343	.009	100	100	13	213
Ghana	106	.003	100	100	4	204
Liberia	317	.009	100	100	13	213
Libya	642	.017	100	100	24	224
Morocco	2,911	.077	100	100	107	307
Ruanda-Urundi	10	--------	100	100	--------	200
Somaliland	13	--------	100	100	--------	200
South-West Africa	128	.003	100	100	4	204
Sudan	163	.004	100	100	6	206
Tanganyika	116	.003	100	100	4	204
Togo	8	--------	100	100	--------	200
Tunisia	860	.023	100	100	32	232
Union of South Africa	4,172	.111	100	100	154	354
United Arab Republic	12,702	.337	100	100	469	669
Oceania	23,473	.622	600	600	866	2,066
Australia	17,257	.457	100	100	636	836
Nauru	7	--------	100	100	--------	200
New Guinea	30	.001	100	100	1	201
New Zealand	5,355	.142	100	100	198	398
Pacific Islands (Trust Territories)	464	.012	100	100	17	217
Samoa, Western	360	.010	100	100	14	214

[1] In addition, 1,803,773 immigrants were admitted from nonquota countries.

Mr. DIRKSEN. Mr. President, the bill does preserve the so-called national origins concept and modifies it in some particulars, so that instead of 154,000 immigrants a year the number is estimated at roughly 300,000 or a little more. I believe the breakdown of the figures will be extremely helpful to the Members in a discussion of this whole matter, and that the whole body of material should be at one place in the RECORD.

Mr. President, I introduce the bill and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The bill will be received and appropriately referred.

The bill (S. 3225) to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes, introduced by Mr. DIRKSEN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the bill lie on the table for the rest of the day, in case other Members would like to join in sponsorship.

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

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

Mr. DIRKSEN. I yield.

Mr. JAVITS. Mr. President, I am very honored to be a cosponsor of the administration bill.

Mr. President, we seem to have almost a tacit acceptance of the fact that there is a roadblock in regard to immigration and that we shall not get anywhere—that the only thing we will be allowed to do are some peripheral things concerning orphans and concerning some refugees and escapees.

Mr. President, again I say, this is a time when the majority of the Senate has a chance to assert itself. I hope very much the majority will be fully informed that the administration backs a modern and intelligent approach to reform of the immigration law, which is unjust as it stands and defies our role as a world leader.

I hope very much, Mr. President, since we talk constantly about the fact that the majority will assert its will, that the majority will assert its will in respect to seeing that this measure is not roadblocked by whatever those in seats of control may feel about it.

Mr. KEATING subsequently said: I was very happy, Mr. President, to join with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]

as a cosponsor of the immigration bill which has been recommended by President Eisenhower. I hope to obtain recognition later in the day to say something more on this subject. I do not want to infringe upon the 3-minute rule.

Mr. President, allegations have been made on the floors of both bodies of Congress and elsewhere that this is purely a political move. That statement, in effect, was made yesterday on this floor. I challenged it at the time, and I pointed out repeated instances in which the President of the United States and the Attorney General have recommended specific action in this field, to modernize and to bring up to date our immigration laws, as well as to remove discriminatory features from our immigration laws.

I shall later in the day document this, because I have now received more information as to the specific times from 1952 to date when the attention of Congress has been called to this problem and action requested.

AMENDMENT OF SECTION 809 OF THE NATIONAL HOUSING ACT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend section 809 of the National Housing Act. This bill changes existing law to permit essential employees engaged in work of the National Aeronautics and Space Administration to obtain needed housing with the assistance of mortgage insurance by the Federal Housing Administration.

Section 809 was added to the National Housing Act in 1956 to help solve the housing problems of essential civilian employees of research and development installations of the military departments.

This program has been very helpful in areas surrounding Cocoa and Eglin Air Force Bases, Fla.; China Lake, Calif.; and Redstone Arsenal at Huntsville, Ala.

The program functions in this manner: First, the Secretary of Defense designates a base as a research and development installation; second, the Secretary then determines the housing requirements of the essential civilian employees of that installation, and on the basis of this determination issues certificates to essential employees needing housing; third, when the employee finds a home commensurate with his need, the certificate is presented to the FHA and the employee is eligible to obtain an FHA-insured loan; and fourth, the Secretary guarantees the FHA against loss on the transaction.

Thus far this program has worked very successfully. As of December 31, 1959, the Secretary had certified the need for 6,275 dwelling units at research and development installations, and had guaranteed the FHA against loss on loans made by approximately 3,355 essential civilian employees.

Administrative jurisdiction over certain research and development installations has been transferred from the Department of Defense to the National Aeronautics and Space Administration. While these transfers do not alter the intent of section 809 of the National Housing Act, it has been concluded by the housing agency and the Space Agency that this program as presently constituted would not be available to essential employees of the Space Agency at the installations so transferred. The reason for this conclusion is that the Administrator of NASA cannot certify eligible employees and cannot guarantee the FHA against loss; and the Secretary of Defense no longer has jurisdiction.

My amendment is designed to overcome this technical difficulty, so that essential civilian employees at installations transferred from the Defense Department to the National Aeronautics and Space Administration may use this program to obtain needed housing.

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

The bill (S. 3226) to amend section 809 of the National Housing Act, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

INCREASED PENALTY FOR GIVING FALSE INFORMATION CONCERNING DESTRUCTION OF AIRCRAFT AND MOTOR VEHICLES

Mr. BUTLER. Mr. President, I have had my attention recalled to a problem which has been a thorn in the side of the aircraft industry for some number of years—that of the bomb hoax.

During the 1st session of the 85th Congress, I introduced a bill, S. 1963, which would raise the penalty from a $1,000 fine or 1 year in jail, or both, to a $5,000 fine or 5 years in jail, or both, for persons convicted of knowingly giving false information concerning the destruction of aircraft or motor vehicles. That bill was passed by the Senate on May 21, 1958, but died in the House Judiciary Committee.

S. 1963 was prompted by the increasing number of instances in which individuals—pranksters primarily—had given false or misleading information relating to the presence of bombs on airplanes with a resultant disruption of the orderly operation of the aircraft carrier. Such reports cause a serious inconvenience to the air carrier and those utilizing the service—not to mention the added expense involved.

I have been informed by the members of the industry that the bomb-hoax problem is as prevalent today as it ever was, if not more so. The problem was apparently unheard of prior to about 5 years ago. When the incidents began, there was no penalty for the action, but Congress soon filled that void when on July 14, 1956, it passed Public Law 709. That law provided for the present penalty of 1 year in jail or a $1,000 fine, or both. While the imposition of the penalty served as a deterrent, it was apparently inadequate since the hoaxes did continue. From September 1957, through December 1959, there were 142 hoax incidents, an average of 5 per month. In January of this year, however, there were 16 instances. This presents an intolerable situation as the inconvenience of a hoax every other day can readily be seen.

The problem of how to combat the situation, however, is, to say the least, most difficult. Both the airlines and the national news media have made efforts, as has the Congress of the United States.

The airlines have educated their employees on the problem so that they will remain constantly alert for possible infractions. They have even given awards to certain employees who have, as a result of their alertness, caused the arrest and conviction of violators.

There is little doubt that the hoaxer thrives in the bright glare of publicity. The FBI, police officials, and psychiatrists all agree that for a hoaxer to be satisfied, he must read of his dirty work, or hear it described over radio or TV.

Most news media understand this and have cooperated wholeheartedly by either not carrying stories of a hoax, or if they did carry the story, they were careful to include the fact that there is a penalty attached. And when the hoaxer has been apprehended, the media have often given good coverage to the proceedings, operating on the theory that this will serve as an example that hoaxes just do not pay.

In fact, in the long run, the news media of the Nation are the single most critical factor in the diminution of the hoax problem.

There is general agreement that if every newspaper, every radio station, and every TV station, agreed with one single accord not to carry a line about a hoax—and this includes not only hoaxes about commercial airlines, but also about schools, churches, and so forth—the hoaxer would curtail severely his activity.

There have been encouraging signs that the news media are becoming increasingly aware of the problem and are taking definite steps to erase the hoaxer by the simple means of ignoring him.

Certainly the news media are to be commended for their interest in the problem, and it reaffirms the belief that we all have in the integrity of the Nation's newspapers, wire services, broadcasting stations, and networks.

While it is desirable to eliminate or minimize publicity on bomb hoaxes themselves, at the same time it is necessary that potential hoaxers be made aware of the seriousness of this crime which is already a violation of Federal law. Moreover, it seems clear in view of the severity of the problem that there must be a correspondingly severe penalty.

Only yesterday, within 2 hours of the tragic explosion of a plan over Indiana, a bomb hoax was reported at Chicago's Midway Airport, causing passengers needless worry, police needless work, and airlines needless delay and expense.

These bomb hoaxers must be made to understand that they are not playing a game but committing a serious crime.

I am, therefore, at this time reintroducing my bill to raise the penalties to $5,000 or 5 years in jail, or both, and urging speedy action by the Judiciary Committee with the hope that the increased penalty, and publication thereof,

will act as a deterrent to those who engage in this type of vicious activity.

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

The bill (S. 3230) to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

DEPARTMENT OF COMMERCE APPROPRIATION BILL, 1961—AMENDMENT

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Montana [Mr. MURRAY], the Senator from Utah [Mr. MOSS], and the Senator from Kentucky [Mr. COOPER], I submit an amendment, intended to be proposed by us, jointly, to H.R. 10234, the bill making appropriations for the Department of Commerce and related agencies for the fiscal year 1961.

The purpose of the amendment is to include an appropriation of $2,080,000 for the program of grants for studies, research and counseling under section 7(d) of the Small Business Act.

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. The act provides that no grant shall exceed $40,000 annually and that only one grant shall be made in any State.

The Small Business Administration included in its 1961 submission to the Bureau of the Budget a request for an appropriation of $2,080,000 for this program, which was denied. According to a letter dated February 10, 1960, addressed to the Senator from Arkansas [Mr. FULBRIGHT] by the Administrator of SBA, "the administration's decision on this matter reflected doubts as to the intrinsic value of the program relative to other demands on the budget and the view that further funding of the program should be deferred until the results of the 1959 program were available and could be evaluated."

Curiously enough, however, the President's Economic Report, chapter 4, "A Legislative Program for 1960," under the subchapter entitled "Small Business," lists this program as one of several small business programs which also contribute to the competitive quality of our enterprise economy. In other words, the President's Economic Report gives no indication that the program is to be allowed to expire and, on the contrary, cites it as one of the beneficial administration programs contributing to the economy.

As I have indicated above, this program had its inception in the bill which became the Small Business Investment Act of 1958. Senators will recall that this bill, in various forms, had been pending before the Congress for about a decade. The Senate Committee on Banking and Currency finally approved the bill on the basis of a thorough study by the Federal Reserve Board and after extensive hearings. In the course of these studies and hearings, information was developed that two of the most important needs of the small business segment of the economy were first, access to long-term aid equity capital and second, improved management. The bill which was then reported was designed to approach both of these needs, first by chartering and assistance in the financing of small business investment companies and State and local development companies, and second by providing for a program which would assist small business concerns in improving management.

In the long run it is quite possible that the contributions which this program can make toward improved management of small business concerns may well be more important than the assistance which the bill gives to access to long-term and equity capital.

Often a small business enterprise is created by a person or a group of persons who may be quite capable in one line of business endeavor, but who have not the time nor the resources to develop all the talents and to acquire all the knowledge necessary to a growing enterprise in a competitive economy. Often financial difficulties of these companies have resulted from a management or technical deficiency which additional funds alone could not solve. While large businesses may overcome these difficulties by hiring executives or obtaining professional advice, small businesses are often not able to do so, and even when able, may not be informed as to the type and accessibility of the assistance which they need. While there are many Federal Government programs such as those of the Department of Commerce and the Small Business Administration itself, and there is a vast body of information available locally, there is great difficulty in bringing this information to bear on a particular business problem at the proper time. Conceivably, this program of research and counseling in small business problems could be as fruitful to this segment of our economy as the program of agricultural research and extension has been to the farm economy. At any rate, I know it is a very promising step forward.

In the bill which became the Small Business Investment Act of 1958, this program of grants for studies, research, and counseling was to have been financed from funds which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act. This amount of approximately $27.5 million had been provided many years ago, not from appropriated funds but, through a rather complicated process, which I shall not attempt to describe here, through the repayment to Federal Reserve banks of their subscription to the capital stock of the FDIC. The fund was held under section 13(b) of the Federal Reserve Act as a program for small business lending by the Federal Reserve banks. As it had never been an appropriated fund, and had been devoted largely to the benefit of small business, the committee thought it proper to transfer the fund to this program. It was believed that the program required continuity. However, in the Commerce Department appropriation bill for 1960 the Committees on Appropriations rescinded the fund and provided that the remaining sum, after fiscal year 1960, be covered into the Treasury—Public Law 86-88. This action, while probably not intended, had the effect of leaving SBA without authority for appropriations to finance the grants after fiscal 1960.

The Subcommittee on Small Business, under the chairmanship of the Senator from Wisconsin [Mr. PROXMIRE], reopened the question of reauthorizing the program in hearings held in June and July of 1959. As a result, S. 2612—Public Law 86-367—was enacted authorizing the continuation of the program on an appropriated basis.

I mention this history to indicate there is authority for this appropriation and to emphasize the fact that the Committee on Banking and Currency has twice gone into the matter very carefully, and has twice authorized the program. There is now pending before the Committee on Banking and Currency a bill in the form of a committee print, which has been reported by the Small Business Subcommittee to the full committee, making other changes in the program. For example, it permits matching of funds provided in the program by grantees and, under certain circumstances, requires matching. It also permits two or more eligible grantees to form a corporation to receive grants and to enable the coordination desired in some States by two or more of the eligible grantees.

Of the approximately 4½ million small business firms in the United States, hundreds go out of business every year. Not all of them are bankrupt, but many go out of business due to the retirement of owners, inability to obtain adequate management to carry on the business profitably, and for many other reasons. For those business concerns that are on a going basis, however, the need for facts to assist the managers to make wise and correct decisions is very great. Big, established organizations usually have adequate financial resources upon which they can draw for research, technical assistance, and counseling. Small concerns in most cases do not have such resources, yet they must compete with larger firms.

Dun & Bradstreet lists poor management as the leading cause of business failures. In a study of 9,162 business failures during 1950, Dun & Bradstreet found that over 85 percent of the underlying causes were those ascribed to poor management. Many of these cases could have been avoided if the managers had possessed more accurate facts upon

which to rely in the management of their organizations. A program of grants of up to $40,000 in each State, of course, will not cure all the management deficiencies of our small business economy. However, there is a great deal of evidence in hearings before the Committee on Banking and Currency that this fund, under the administration of the SBA, can serve as a catalytic agent in devising plans and programs within States which can themselves give a great deal of impetus to better management. For example, the fund, if matched by the recipient agency, can provide a framework under which colleges, universities, State development agencies or departments of commerce, State chambers of commerce, banks, and local development corporations can each make intelligent and practical contributions to better management of small businesses within the State.

A framework for a Federal-State relationship for research and counseling with business can be created whereby much information at both the Federal and State levels may be channeled into effective use by local groups.

It would be a great mistake to terminate this program after only 2 years' operation; that is, in fiscal years 1959 and 1960. Most of the grants which have been made so far have been for the purpose of research.

I ask unanimous consent that there may be printed in the RECORD at this point a list showing the grants made in fiscal 1959. This list indicates the recipient, the amount, and the title of the research projects.

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

LIST OF GRANTS IN FISCAL 1959

GRANTEES, 1959—SMALL BUSINESS RESEARCH GRANT PROGRAM

1. Alabama, $40,000.

Grantee: University of Alabama, University, Ala.

Project director: Paul W. Paustian.

Title of research project: "A Proposal To Investigate the Prevalence of Small Business in the Alabama Economy and To Study the Problems of Small Business in Selected Fields of Operation."

2. Alaska, $28,873.

Grantee: University of Alaska, College, Alaska.

Project director: Vernon R. Kiely.

Title of research project: "Wholesale-Retail Functions and Warehouse Facilities in Fairbanks and Anchorage, Alaska: The Development and Possibilities for Expansion."

3. Arizona, $38,860.

Grantee: Arizona State University, Tempe, Ariz.

Project director: William A. Nielander.

Title of research project: "Basic Patterns of Operation of Selected Small Business in Arizona."

4. Arkansas, $40,000.

Grantee: University of Arkansas, Little Rock, Ark.

Project director: John M. Peterson.

Title of research project: "Studies of Small Business Problems in Major Arkansas Industries: (1) Marketing Prospects in Major Arkansas Industries; (2) Economic Problems of Arkansas Sawmills; (3) Management Staffing Needs in Sawmills; (4) Business Budgeting for Independent Department Stores."

5. California, $40,000

Grantee: San Diego State College, San Diego, Calif.

Project director: Charles W. Lamden.

Title of research project: "A Study of the Problems of Small Electronics Manufacturing Companies in Southern California."

6. Colorado, $40,000

Grantee: University of Colorado, Boulder, Colo.

Project director: L. J. Crampon.

Title of research project: "(1) Informational Needs and Problems of Small Businesses in the Mountain States; (2) Management Case Studies of Small Business Operation in the Mountain States; (3) The Generation and Selection of New Product Ideas for Small Manufacturers in the Mountain States."

7. Connecticut, $40,000.

Grantee: University of Connecticut, Storrs, Conn.

Project director: L. J. Ackerman.

Title of research project: "Problems of Manufacturers in Connecticut and Effects of Shopping Centers on Small Retailers: (1) Mortality Experiences in Connecticut Manufacturing Establishments; (2) Personnel Factors in Manufacturing Plant Location in Metropolitan Hartford, Conn.; (3) Highways as a Factor in the Location of Small Manufacturing Business in the Hartford Area.

(4) Relocation of Business and Industry from Renewal Areas in Connecticut.

(5) Behavior Patterns and Attitudes in the use of External Assistance by Small Manufacturers in the Hartford Area.

(6) Some Effects of the Growth of Planned and Controlled Shopping Centers on Small Retailers."

8. Delaware, $40,000.

Grantee: University of Delaware, Newark, Del.

Project director: Robert L. Bull.

Title of research project: "Success Factors in the Management of Small Food Wholesaling and Retailing Businesses."

9. District of Columbia, $39,905.

Grantee: George Washington University, Washington, D.C.

Project director: A. M. Woodruff.

Title of research project: "Management Advisory Requirements for Small Business Firms: (1) The Need for Management Assistance as Seen Through Analysis of the Experience of 500 New Proprietors; (2) The Need for an Availability of Counseling as Seen Through the Experience of a Structured Sample of 300 Service Agencies."

10. Florida, $40,000.

Grantee: Florida Development Commission, Tallahassee.

Project director: William C. Shelton.

Title of research project: (1) Popularization of Small Business Research; (2) Case Studies in the South Florida Construction Industry.

11. Georgia, $30,705.

Grantee: Georgia Institute of Technology, Atlanta.

Project director: Ernest W. Swanson.

Title of research project: "Identification and Evaluation of Problems and Needs of Small Manufacturing Management."

12. Hawaii, $39,215.

Grantee: University of Hawaii, Honolulu.

Project director: Harold S. Roberts.

Title of research project: "A Study of Business Needs in Hawaii as Compared With Business Failures During the Last 10 Years."

13. Idaho, $7,465.

Grantee: Idaho State College, Pocatello.

Project director: Frank D. Seelye.

Title of research project: "Revenue Quality Control for Motor Common Carriers."

14. Illinois, $38,211.91.

Grantee: University of Chicago, Chicago.

Project director: Michael Gort.

Title of research project: "The Characteristics of Industries and the Economics of Firm Size."

15. Indiana, $40,000.

Grantee: Indiana University, Bloomington.

Project director: S. F. Otteson.

Title of research project: "Adaptation and Development of Management and Financial Controls for Small Business Operations."

16. Iowa, $39,900.

Grantee: State University of Iowa, Iowa City.

Project director: C. Woody Thompson.

Title of research project: "An Interindustry Analysis and Management Audit of the Small Manufacturing Industry in Iowa."

17. Kansas, $39,905.

Grantee: University of Kansas, Lawrence.

Project director: H. K. L'Ecuyer.

Title of research project "Management Strategy in Establishment Sizes Operated by Both Independent and Centrally Controlled Companies."

18. Kentucky, $40,000.

Grantee: University of Kentucky, Lexington.

Project director: James W. Martin.

Title of research project: "An Evaluation of Key Decisions of Small Businesses, With an Emphasis on the Quantitative and Economic Concepts Used in Reaching Those Decisions."

19. Louisiana, $32,329.

Grantee: Louisiana Department of Commerce and Industry, Baton Rouge.

Project director: P. F. Boyer.

Title of research project: "(1) A Guide to Proper Management Planning for Small Business; (2) Determination of the Educational Needs for Small Business Management; (3) Selecting, Developing, and Utilizing Competent Executives into Small Businesses; (4) Adaptive Behavior by Small Businessmen."

20. Maine, $40,000.

Grantee: Maine State Department of Economic Development, Augusta.

Project director: Sulo J. Tani.

Title of research project: "A Survey of Maine's Potentials for Economic Growth: (1) A Study To Review the Current Economic Status of the State of Maine and To Project Areas of Opportunities That Exist for Small Business Enterprises; (2) A Study of the Vacation Industry in Maine; (3) Sources and Availability of Funds to Small Manufacturing Firms in Maine."

21. Maryland, $35,525.

Grantee: Washington College, Chestertown, Md.

Project director: George Soule.

Title of research project: "Small Business in Food Processing, Distribution, and Retailing on the Eastern Shore of Maryland: A Study of Competition With Large Concerns and the Impact of Vertical Integration."

22. Massachusetts, $39,933.75.

Grantee: Babson Institute, Babson Park, Mass.

Project director: Edward Handler.

Title of research project: "Small Business and Large Unions."

23. Michigan, $39,986.

Grantee: University of Michigan, Ann Arbor.

Project director: William M. Hoad.

Title of research project: "A Continuing Analysis of the Management Factors Contributing to the Success or Failure of New Small Businesses (Manufacturing)."

24. Minnesota, $40,000.

Grantee: University of Minnesota, Minneapolis.

Project director: D. C. Basil.

Title of research project: "Basic Planning for Small Business: (1) Management Development as Part of Basic Planning; (2) Transportation Function of Management; (3) Forecasting in Basic Planning; (4) Market Research in Basic Planning; (5) 'Pattern' Collective Bargaining—Emphasis on Iron Ore Mining and Steel Fabrication; (6)

Basic Financial Planning; (7) Planning Organization Structure During Periods of Growth."

25. Mississippi, $40,000.

Grantee: Mississippi Industrial Research Center, Jackson.

Project director: W. Paul Brann.

Title of research project: "Industrial Opportunities for Small Business To Utilize Mississippi's Forest Resources: (1) The Availability, Ownership, Volume, and Characteristics of Forest Resources in Mississippi for New and Expanded Small Manufacturing Industries; (2) Marketing Charcoal Produced in Mississippi; (3) The Potential for Furniture Manufacturing in Mississippi."

26. Missouri, $40,000.

Grantee: Missouri Division of Resources and Development, Jefferson City.

Project director: Richard E. O'Brien.

Title of research project: "The Communication and Information-Gathering Techniques and Behavior of the Small Businessman."

27. Montana, $40,000.

Grantee: Montana State Planning Board, Helena.

Project director: P. F. Roys.

Title of research project:

1. "Research on Operating and Marketing Problems of Small Business Enterprises Engaged in Lead and Zinc Mining."

2. "Analysis of Expansion and Diversification Possibilities for Existing Small Manufacturing Concerns in the State of Montana."

3. "An Investigation of the Training Requirements of Small Business With Regard to the Educational Needs of Prospective Employees."

4. "Research on Small Business Success and Failure in a Natural Resource Economy."

28. New Hampshire, $40,000.

Grantee: New Hampshire State Planning and Development Commission, Concord.

Project director: Charles L. Crangle.

Title of research project: "A Study of the Small Business Sector of the Economy of New Hampshire To Determine the Necessary Economic Climate To Encourage Further Small Business Development."

29. New Jersey, $40,000.

Grantee: New Jersey Department of Conservation and Economic Development, Trenton.

Project director: Joel H. Sterns.

Title of research project: "Defining Problems of Small Business in New Jersey: (1) An Analysis of the Financial Problems of New Jersey's Small Manufacturers; (2) An Analysis of the Financial Problems of the Small Independent Distributors in New Jersey; (3) Direct Investigation Into the Problem of Small Business; (4) An Analysis of the Changing Patterns in New Jersey Retail Businesses."

30. New Mexico, $30,864.

Grantee: University of New Mexico, Albuquerque.

Project director: Ralph L. Edgel.

Title of research project: "Expansion of Food Manufacturing in New Mexico."

31. New York, $40,000.

Grantee: Syracuse University, Syracuse.

Project director: Donald H. Davenport.

Title of research project: "An Evaluation of the Interrelationships Between Large Manufacturers and Small Suppliers."

32. North Carolina, $39,805.

Grantee: Duke University, Durham.

Project director: F. Hodge O'Neal.

Title of research project: "Research in the Legal and Economic-Legal Aspects of Small Business Planning."

33. North Dakota, $40,000.

Grantee: University of North Dakota, Grand Forks.

Project director: R. D. Koppenhaver.

Title of research project: "(1) Industrial Market Potentials for Selected North Dakota Agricultural Commodities; (2) The Development of Accounting and Statistical Data for Small Business Management."

34. Ohio, $40,000.

Grantee: The Ohio State University Research Foundation, Columbus.

Project director: James C. Yocum.

Title of research project: "Adaptation of Manualized Business Procedures to Small Business Needs."

35. Oklahoma, $40,000.

Grantee: Oklahoma Department of Commerce and Industry, Oklahoma City.

Project director: Raymond D. Thomas.

Title of research project: "(1) Factors Which Determine the Economic Survival of Small Business Firms in Several Important Industries and Trades in Oklahoma; (2) Factors Which Should Determine the Location of Small Retail Firms; (3) Factors Which Determine the Managerial Efficiency and Profitableness of Small Business Organizations in the Motor Freight Industry; (4) Factors Which Determine the Opportunities for Small Business in Areas Experiencing Development of Inland Water Resources."

36. Oregon, $34,480.

Grantee: The University of Oregon, Eugene.

Project director: Wesley C. Ballaine.

Title of research project: "An Appraisal of Risk Management in Small Retailing Establishment."

37. Pennsylvania, $40,000.

Grantee: Temple University, Philadelphia, Pa.

Project director: Nathaniel Jackendoff.

Title of research project: "An Exploratory Survey of Financial Ratios and Other Business Services With Special Attention to Their Application to Problems of Small Business."

38. Rhode Island, $40,000.

Grantee: Brown University, Providence, R.I.

Project director: Kurt B. Mayer.

Title of research project: "Some Economic and Sociological Factors Influencing the Distribution of Business Firms by Size: I. The Effect of Suburbanization on the Size and Growth of Small Business Establishments; and II. Critical Internal and External Aspects of the Financial Management of Business Firms Affecting Size and Growth."

39. South Carolina, $30,010.

Grantee: University of South Carolina, Columbia.

Project director: Olin S. Pugh.

Title of research project: "Financial Management Problems of Single Unit Firms in South Carolina."

40. South Dakota, $35,420.

Grantee: State University of South Dakota, Vermillion.

Project director: R. F. Patterson.

Title of research project: "Some Basic Problems of Small Business in South Dakota: An Appraisal and Possible Solutions (1) Financing Small Business in South Dakota: Retailing, Service, Wholesaling, and Small Manufacturing; (2) Small Business in South Dakota To Be Affected by Proposed Superhighways in South Dakota."

41. Texas, $40,000.

Grantee: University of Houston, Houston.

Project director: Paul H. Rigby.

Title of research project: "A Study of Decisionmaking Processes in the Small Business Firm."

42. Utah, $40,000.

Grantee: University of Utah, Salt Lake City.

Project director: Osmond L. Harline.

Title of research project: "Evaluation of the Use and Impact of (1) Informational Aids, and (2) Government-Sponsored Financial Assistance Programs Available to Small Business."

43. Vermont, $25,000.

Grantee: Vermont Development Commission, Montpelier.

Project director: John M. Thompson.

Title of Research project: "Sample Survey of Small Business Operations in Vermont."

44. Virginia, $40,000.

Grantee: University of Virginia, Charlottesville.

Project director: Lorin A. Thompson.

Title of research project: "A Proposal on Small Business Training and Development: (1) Study—Administrative and Management Problems of Small Business; (2) Analysis of Trends in Sales Volume for Major Classes of Retail Business."

45. Washington, $40,000.

Grantee: University of Washington, Seattle.

Project director: Warren W. Etcheson.

Title of research project: "Problems of Small Business in Washington: (1) Financing Small Business: Survey of Credit and Capital Sources in Washington State; (2) Regulation of Retail Competition in Washington; (3) Factors Affecting the Growth of Small Manufacturing Enterprises; (4) An Analysis of Business Terminations; (5) Pricing Policies and Practices of Small Manufacturers in Washington."

46. West Virginia, $13,800.

Grantee: West Virginia University, Morgantown.

Project director: James H. Thompson.

Title of research project: "Methods of Plant Site Selection Available to Small Manufacturing Firms."

47. Wisconsin, $40,000.

Grantee: Division of Industrial and Port Development, State of Wisconsin, Madison.

Project director: James S. Earley.

Title of research project: "Problems of Financing Growth of Wisconsin Small Business" (a research project to determine sources of funds for small- and medium-size Wisconsin companies and whether there is significant variation in the rates of growth of companies of various sizes and industry classification, including a study of demised, merged, and relocated companies).

48. Wyoming, $34,950.

Grantee: University of Wyoming, Laramie.

Project director: Floyd K. Harmston.

Title of research project: "An Investigation Into Problems Peculiar to Small Businesses in Wyoming and the Rocky Mountain Area: (1) An Investigation To Determine the Management and Administrative Problems Encountered by the Owners and Managers of Small Business Units; (2) A Time and Duty Study of Retail Sales Personnel; (3) A Study of ICC 1 percent Waybill Data To Determine Existing Markets for Various Commodities."

49. Puerto Rico, $40,000.

Grantee: Economic Development Administration, San Juan.

Project director: Morris Moses.

Title of research project: "The Removal of Obstacles to the Growth of Small Locally Owned Manufacturing Firms in a Newly Developing Industrial Area."

50. Nebraska, $15,392.

Grantee: University of Nebraska, Lincoln.

Project directors: Clifford M. Hicks and Harold E. Wise, associate dean, graduate college, and deputy research administrator.

Title of research project: "Problems in the Sale of an Interest in a Small Business Proprietorship As Influenced by the Federal Income Tax Laws and Retail Store Hour Survey in all of the Nebraska Towns of 10,000 to 25,000 Population."

51. Nevada, $32,213.30.

Grantee: University of Nevada, Reno.

Project director: Robert C. Weems, Jr.

Title of research project: "The Extent of Retail Advertising as a Management Tool—Its Scope and Importance in Small Business."

52. Tennessee, $40,000.

Grantee: Tennessee Polytechnic Institute, Cookeville.

Project director: Louis Johnson, Jr.

Title of research project: "Investigation of the Marketing and Management Practices of Selected Small Businesses":

(1) "Newly Developed Industry."

(2) "Long-Established Industry."

Mr. SPARKMAN. Mr. President, the great hope of the program, as I have indicated, is that as it continues to operate, it may serve as a catalyst for the development of a permanent Federal-State relationship which will devise greater means for not only research, but also for the use of that research, and the technical assistance and know-how which is already available, in a form and at a time when the individual small businessman can and will make greatest use of it. The program, in other words, will not be confined simply to research, but the development of organizations and techniques for getting the research used. This cannot be done if the program is allowed to expire after only 2 years which have been largely confined to research programs.

I also ask unanimous consent that there be printed at this point in the RECORD an excerpt from Senate Report No. 834 dealing with this subject.

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

EXCERPT FROM SENATE REPORT NO. 834

2. GRANTS FOR STUDIES, RESEARCH, AND COUNSELING

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges, and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

The last sentence of the subsection reads: "Such grants shall be made from the funds established in the Treasury by section 602(b) of the Small Business Investment Act of 1958."

This fund was derived from moneys which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act.

Public Law 86-88, appropriations for the Department of Commerce (which includes appropriations for SBA), rescinded the unobligated balance of this fund as of June 30, 1959, except that $2,080,000 was made to remain available for grants in fiscal 1960. Thus, this action had the effect of leaving the SBA without authority for appropriations to finance the grants after fiscal 1960. This bill, by deleting the last sentence of section 7(d) of the Small Business Act, provides authority for appropriations under section 20 of the Small Business Act which contains general authority for appropriations to carry out the purposes of the act.

Administration of the program of grants for studies, research, and counseling

As indicated above, section 7(d) of the Small Business Act provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

In recommending the enactment of this program in an amendment to the Small Business Act in 1958, the committee was impressed by testimony describing a program for assisting small businesses in a direct and timely manner by providing case studies and on-the-spot counseling concerning particular and sometimes local problems of a business or group of businesses. The language of the law is sufficiently broad to cover this type of activity. However, the Small Business Administration in its regulations under the section has interpreted the word "counseling" so as virtually to exclude direct contact between the grantee and small-business concerns.

The Small Business Administration's interpretation generally confines the program to one of grants for research into the problems of small business. While the committee does not deprecate the importance of research, it was favorably impressed at the hearings on this matter, held on July 28, 1959, with description of a variety of programs which could be developed by State and local agencies and institutions for utilizing the grant funds. The committee believes that the program can be most useful if it encompasses different types of programs developed locally to meet different needs in the various States.

Some of these programs may involve one or more of the concepts of research, case studies, and counseling. Some of them may involve associations of two or more eligible grantees, in order that combinations of studies, research, and counseling may be undertaken. They may be developed in such a way that opportunities for study and counseling may arise when small businessmen seek financial assistance from private lenders, the Small Business Administration, small-business investment companies, and State and local development credit or finance companies.

The committee understands that this approach may create administrative difficulties for the Small Business Administration in allocating the grants and in supervising the programs. Nevertheless, the committee feels that the State programs should be allowed to develop with a maximum of flexibility and local ingenuity and control. The committee also believes that in the development of programs for counseling, particularly, continuity of a program is desirable so long as it is consistent with proper safeguards to protect the interests of the Federal Government.

The committee also considers that the SBA should use its discretionary authority to require matching funds to the extent that the State programs provide for counseling, in order that the funds for this type of program may be increased.

As indicated in its testimony, SBA believes undue emphasis on counseling may tend to replace research and, in general, it believes research projects at this time are more desirable than counseling projects. However, it has stated a willingness to make grants to finance counseling on a limited basis as an experimental program to determine what types of counseling are most productive and valuable to small business, how counseling best can be fostered without destroying the research aspects of the program, and how it can be done efficiently and economically.

This program is not inconsistent with the views of the committee as stated above. The committee agrees with this approach to the problem; that is, in the initial stages, pending further evaluation, the programs of counseling grants are to be considered experimental, and confined to a relatively few States, to determine what types of counseling are most helpful to small business. When these programs have been evaluated by SBA and the Congress, further legislative changes may be considered.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

PRINTING OF REVIEW OF REPORTS ON WILMINGTON HARBOR (CHRISTINA RIVER), DEL. (S. DOC. NO. 88)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated February 9, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of reports on Wilmington Harbor (Christina River), Del., requested by resolutions of the Committee on Public Works, adopted March 18, 1953, and February 14, 1955. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

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

AMENDMENT OF TARIFF ACT OF 1950, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON, IMPORTATION OF SHRIMP—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 15, 1960, the names of Senators TALMADGE, HOLLAND, MAGNUSON, KERR, GRUENING, and BARTLETT, were added as additional cosponsors of the bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH) on March 15, 1960.

SUPPLEMENTAL APPROPRIATION BILL, 1960—ADDITIONAL COSPONSORS OF AMENDMENT

Under authority of the order of the Senate of March 17, 1960, the names of Senators GRUENING and BARTLETT were added as additional cosponsors of the amendment submitted on March 17, 1960, by Mr. KUCHEL (for himself and Mr. ENGLE) to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

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. LONG of Hawaii:

Article entitled "Hawaiians Have Enjoyed Billboard Ban 33 Years, and Profited by It,"

written by Milton Britten and published in the Memphis Press-Scimitar of February 6, 1960.

By Mr. Young of North Dakota:

Letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association; article entitled "Intensive Study of Food Urged," published in the New York Times of today, March 18, 1960; and testimony of J. C. Wetzler and A. P. Davies before House Appropriations Subcommittee on Agriculture.

THE FILIBUSTER HAS YIELDED SOME GOOD—ARTICLE ON ADDRESS BY SENATOR ROBERTSON

Mr. RUSSELL. Mr. President, during the course of the 5-week fight we have waged here to preserve constitutional government in this country, many excellent speeches have been made, and a few great speeches have been made in this body. Some of them have been equal to any that have ever resounded in this Chamber and have been in the very best traditions of the Senate.

Unfortunately, many of these speeches have not been widely publicized, and they have been enjoyed only by the exceedingly small group of people who regularly read the CONGRESSIONAL RECORD.

Among the outstanding speeches was one which the Senator from Virginia [Mr. ROBERTSON] made on the 8th of March.

Mr. Holmes Alexander, a careful student of history and of the proceedings in this body, and, I may say, one of the fairest members of the fourth estate, has written an article about Senator ROBERTSON and his great oratorical effort dealing with one of the most important of all civil rights, namely the right of a man to face a jury of his peers before he is punished.

The article appeared in the Richmond News Leader of Thursday, March 17, 1960. I heartily concur in the sentiments which Mr. Alexander expresses in respect to the address by the Senator from Virginia; and I ask unanimous consent that the article by Mr. Alexander be printed in the body of the RECORD.

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

[From the Richmond News Leader, Mar. 17, 1960]

FILIBUSTER HAS YIELDED SOME GOOD

(By Holmes Alexander)

"There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical"—James Wilson, of Pennsylvania (1742–98).

In the darkest-before-dawn hours of March 8 Senator WILLIS ROBERTSON, Democrat, of Virginia, nearly a half-century man in our courts and legislatures, was delivering "the best address I ever made."

Tall, rugged, learned, forthright, courteous, ROBERTSON could have been one of his own early American heroes—Jefferson, Marshall, Mason, Henry, Washington—and he was pleading their favorite cause: Justice under law.

But the Old Dominion's junior Senator was also enacting two immutables in human history. Irony, it seems, never fails in man's affairs. Here was ROBERTSON, aged 72, a candidate for reelection to the Senate, and he had to make what he considered his best speech to empty seats on the floor and in the galleries.

But the other big unchangeable here involved—personal and institutional integrity—was in his favor. It would have been far easier for him to filibuster with a claptrap, jerrybuilt speech, piously reading from the Bible or the Federalist papers. "Conscience," H. L. Mencken used to say, "is the fear somebody is looking." But hardly anybody was looking, and almost nobody was listening to ROBERTSON. The Senator could have gotton away with hogwash, instead of doing himself and the Senate this unsung credit.

His speech was prepared, annotated, and delivered like a brief for delivery before the U.S. Supreme Court. It was a scholar's advocacy for the principle of the right of jury trial, as against injunctive procedures by seated authority. The speech is printed in the CONGRESSIONAL RECORD and this is no place to digest it. But the main points of his argument seem to be these: that speed and efficiency, though we often gnash our teeth at their opposites, are not the main purposes of government; and that the surest way to civil disaster is to permit the sovereign of any nation, rather than a jury of his peers, to inflict criminal punishment upon an individual citizen.

Not many Americans, scanning the headlines or catching the evening TV summaries, have a chance to know the constructive side of the monthlong filibuster. The occasion has brought out the best on both sides, or more correctly, on all sides, because there are many shades of opinion in the Senate. Far from needing to feel apologetic before the world, we have seldom deserved the decent opinion of mankind for better reasons than the highminded debate of this hair trigger subject.

This opinion, I am convinced, will be the general one as we look back upon the 1960 civil rights Senate battle, but there seems some value in offering it while the guns have not yet cooled. By all existing signs the centrists of the upper Chamber are going to write a mild civil rights bill which will neither lacerate the South nor constitute a triumph of the radical left.

If this happens, it may also happen that an omen has been given for the Democratic convention and the November election. The rollcall on the first key vote divided the Democratic presidential candidates into two camps: Majority Leader JOHNSON pitched tent with the successful majority. Candidates KENNEDY, SYMINGTON, and HUMPHREY made their home with the foiled, frustrated radicals. This was how it went:

Vice President: "The question is, is it the sense of the Senate that debate (on Mar. 10) shall be brought to a close. The clerk will call the roll."

Candidate JOHNSON, among 53, voted not to foreclose debate. Candidates KENNEDY, HUMPHREY, SYMINGTON, among 42, voted for cloture or gag.

The meaning seems to be that the Senate, the Democratic Party, the country are closer to JOHNSON's views than to those of his rivals for the Democratic nomination.

INVITATION TO "CHEESE BREAK"

Mr. WILEY. Mr. President, as we know, the Senate, in recent weeks, has had a rough schedule of grueling hours.

After around-the-clock sessions—as well as the regular heavy schedule of the Senators—I believe my colleagues not only deserve—but also need—rejuvenation.

This afternoon, I have planned to provide just such a "work break."

As my colleagues know, Wisconsin has long been famous for its fine, health-giving cheese. From 2 to 3:30 today, a cheese treat will be served in the Vandenberg Room. I invite all of you to enjoy this "cheese break."

The break, I believe, will provide a double treat. This includes not only the privilege of enjoying delicious cheese snacks, but also that of having these delectables served by Wisconsin's lovely, talented "Alice in Dairyland"—the official public relations "Voice of Agriculture" for Wisconsin.

Although I know you are extremely busy, I hope you will have a chance to drop in for a real, refreshing cheese treat.

BERLIN AND THE EAST-WEST SUMMIT MEETINGS

Mr. JAVITS. Mr. President, Chancellor Adenauer who has just visited us has left us with a challenging proposal in preparation for the East-West summit meeting scheduled to begin May 16 which ought to have the prompt and urgent attention of our State Department. He suggested a "free plebiscite" in the three zones of the Western Powers in Berlin carried through before the East-West summit meeting asking Berliners to vote whether they want the present status of Berlin to remain or whether they want that status to be changed. It is properly pointed out that to govern with the consent of the governed this plebiscite is most advisable. Also, to be sure that the people of West Berlin are determined to resist pressures which the East German regime and its Soviet sponsors can put upon them if Chairman Khrushchev determines that this is the next step. Though Berlin's voters it is true in the 1958 municipal elections gave less than 2 percent of their vote to the Communists this was before the definitive Soviet proposals on making Berlin a "free city" came out in detailed negotiations together with United States, British, and French counterproposals of the Geneva Foreign Ministers Conference in May 1959. It is these proposals and in the ensuing international pressures and negotiations upon which the people of West Berlin should have their say. I support this proposal of Chancellor Adenauer.

It is widely recognized in the United States, perhaps more widely recognized and understood than any other foreign policy question, that the fate of Berlin is intimately linked with the continuance of Germany as a dynamic part of an integrated Western Europe with bright prospects for a continuing development of this integration most helpful to the free world's cause. Also that Berlin is the symbol to the Communist enslaved nations of eastern and southern Europe of the determination of the free world that they too shall one day have their opportunity to be free again. Finally it is the most advanced showcase of the free world facing toward the Communist bloc and makes possible the constant comparison between the drab grimness of Communist living and the security, dynamism and interest of free

world living. Because of its critical importance to the free world, Chancellor Adenauer's suggestion deserves high consideration and I urge that our Government enter into the necessary negotiations with the other two powers concerned, the United Kingdom and France, and with the West Berlin government to bring about this plebiscite in time for the May summit meeting.

DECLINE AND FALL OF THE LIBERALS

Mr. PROXMIRE. Mr. President, in Shakespeare's Julius Caesar, Cassius foresees the difficulty with Democratic liberal Senators in this 86th Congress when he says, "The fault, dear Brutus, is not in our stars, but in ourselves."

Mr. President, one of the great disappointments for many Americans must be the dismal performance of liberals as a group in the Congress and particularly in the Senate, since the election of 1958. If ever an election was viewed as a popular mandate for legislative progress to meet our great national problems, it was the 1958 election. It was a smashing victory for the northern liberal wing of the Democratic Party—the wing that believes that in our domestic economy, as well as in our relations with the rest of the world, it is time to stop treading water, and to move ahead.

We have failed. Why? The fault, Mr. President, "is not in our stars, but in ourselves."

Of course we have excuses. The veto is a mighty weapon. It has defeated us directly. More frequently it has defeated us because we knew it was available and we knew the Congress is far from two-thirds in favor of progressive legislation.

Our majority leader has been properly recognized as an immensely skilled parliamentarian and a prime realist. He is nowhere considered as one of the small bloc of so-called liberals in the Senate. And the majority leader controls fully and completely all of the organization of the Democratic Party in the Senate, as I have been at pains to point out. Then, Mr. President, there is the overwhelming opposition of the American press to a liberal, progressive program. This opposition has become more expert and competent as it has become more omniscient with the vast reach of modern communication media.

But, Mr. President, all these are excuses. Liberals have always suffered obstacles. They have always had to battle the entrenched inertia of established institutions. But rarely have they been such spectacular failures when they have had such great opportunity and public mandate as we have today.

In the words of Cassius, "Our fault, dear Brutus, is not in our stars, but in ourselves." It is time for some painful introspection. Our first step should be carefully to consider thoughtful criticism. This is why, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a blunt, hard-hitting, article highly critical of U.S. Senate liberals, by the well-known columnist, Joseph Alsop, which appeared in this morning's papers. It is an intelligent and perceptive analysis. It is a call to responsibility and a call to some hard homework.

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

DECLINE OF THE LIBERAL

(By Joseph Alsop)

Barring unforeseen mishaps, Senate Majority Leader LYNDON B. JOHNSON will get almost exactly what he set out to get from the civil rights fight. The Senate may first be driven to vote cloture twice over—an extraordinary event. Nowadays, however, the Senate seems to have a new rule: "JOHNSON'S will be done."

If JOHNSON succeeds, the country will have reason to rejoice. A civil rights bill insuring progress on the most vital single front, the voting rights of the southern Negroes, will be successfully passed without undue bitterness. Such a bill, if seriously enforced, will go straight to the heart of the matter.

If he succeeds, moreover, JOHNSON will also have reason to rejoice. He will have gone within a micromillimeter as far as he could possibly go, toward making himself an available presidential candidate in the North without leaving his large herds of southern convention delegates. If Senator JOHN F. KENNEDY, of Massachusetts, then stumbles along the road to Los Angeles, LYNDON JOHNSON will be the true frontrunning Democratic contender.

The Johnson phenomenon is not only remarkable in itself. It also offers the best text for a badly needed sermon on the plight of American liberals. Our political liberalism is semiofficially represented at present by the Senate's 18 liberal Democrats. Numerically, they exactly balance the Senate's 18 southerners.

And if JOHNSON wins his predicted victory in the civil rights fight, one may be sure there will be more angry liberals than angry southerners.

This capacity for outraged indignation when they are given half a loaf is only one of the more peculiar liberal traits. In the present instance, the civil rights half-loaf might have been improved in every way, if the liberals had chosen to fight for this objective. Instead, they made their customary choice. They fought for the whole loaf, which was the legislatively unattained title III of the old civil rights bill. Thus, in reality, they aided their enemies.

The choice was made, early in the struggle, at a meeting convened by Senators PAUL DOUGLAS of Illinois, and JOSEPH CLARK, of Pennsylvania. The vote in the meeting was symptomatic—nine for fighting for title III "on principle"; seven for fighting for the best bill that was practically feasible; and two abstentions.

The vote meant, in effect, that a narrow majority of the Senate's liberal Democrats were less interested in the dusty legislative process than in striking noble, popular postures. This preference for posture over process is, in fact, the main cause of the Senate liberals' decline.

The great figures of the liberal-progressive past—George Norris, the two La Follettes, Fiorello La Guardia, Robert Wagner, bitter witty old Couzens of Michigan, and the rest—were almost all men who took a passionate, practical, detailed interest in the business of lawmaking. Norris, for instance, looked like a saint, and sounded like a particularly high-minded saint when he took the floor for a speech. But no lone wolf Senator has shown more legislative craft than the saintly seeming Norris.

Craft was needed in order to topple Speaker Cannon with a perfectly timed resolution changing the iron-clad rules of the House of Representatives. Craft was needed, in order to stave off, all through the 1920's, successive Republican President's attempts to sell Muscle Shoals, the heart of TVA, to private power interests. Good, hard, detailed homework and craft were both needed, in order to be ready with the TVA bill when the election of Franklin Roosevelt gave George Norris his long-awaited chance.

Nowadays, despite the high average ability and high average purpose of the Senate liberals, there is not a man among them who has made a single problem peculiarly his own. None of them has a new TVA, for which he has been fighting doggedly, through bad times and good. In truth, none of them is the Senate's acknowledged master of any particular subject, as the late Robert A. Taft was master of half a dozen subjects, or even as JOHN F. KENNEDY was master of his subject when he was fighting for his labor bill.

This concentration is just as necessary as craft, for any lawmaker who wants to get things done in the teeth of a passive, or indifferent, or hostile majority. The great figures of the liberal-progressive past were not great because they made fine speeches or stood forward in fine attitudes. They were great because, from time to time, after infinite hard work, they got things done. The good statutes enacted, the mediocre statutes amended, the bad statutes blocked, were their monuments. They deserve modern study.

AMERICAN MORAL DECLINE DEMANDS PASSAGE OF CODE OF ETHICS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement I made to the House Interstate and Foreign Commerce Committee on the need for a code of ethics for our regulatory agencies and Congress be printed in the RECORD at this point.

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

STATEMENT OF SENATOR WILLIAM PROXMIRE, MARCH 18, 1960, BEFORE THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, REGARDING A CODE OF ETHICS FOR THE REGULATORY AGENCIES

Mr. Chairman, I very much appreciate this opportunity to appear before you and your committee which has already done such an outstanding job of alerting the Nation to the serious problems of ethical conduct in this country.

I particularly commend you, Mr. Chairman, for your authorship of the pending bill. I feel very strongly that this kind of legislation can help immensely not only in insuring more ethical and honest conduct in government, but in setting a national tone of morality which I think is probably more urgently needed in America today than anything else.

It is unnecessary to call to the attention of this committee the scandals so ably revealed by you in the television industry. Unfortunately, this is not an isolated example of moral weakness in America.

Religious leaders of all faiths have deplored the lowering of our moral standards as a nation. One of the leading New York clergymen indicted our ethical looseness recently when he said: "Integrity is our deepest lack today."

FBI Director J. Edgar Hoover, probably the outstanding expert on criminal behavior in our country, said recently: "Our present society has substituted indulgence for discipline, pleasure for duty, and money for morals."

An Army report on Korea has disclosed a different picture than the gallant American tradition of high morale and bravery among our prisoners of war that had gone back to the Revolution. In the past, American captives refused to collaborate and they refused to die.

In Korea nearly one of three collaborated with the enemy. For the first time in American history not one American prisoner escaped. Thirty-eight percent of our men died in captivity, the highest rate in all history. Communist cruelties killed some, but an enfeebled will to resist and even a weakened will to live killed others.

During the same period 221 Turkish soldiers were taken prisoner in Korea by the same Communist foe. Half were injured when captured. Not one died. Not one collaborated.

There have been many eloquent speeches in and out of Congress lately about the need for American strength and the need for American economic, educational, and military power. The basic need I believe is for American moral strength. The strength of our Armed Forces, our economy, our educational system depend fundamentally on the strength of character of the American people in meeting the Russian challenge. Professor Toynbee, in his outstanding historical study, showed very clearly how the vast majority of great civilizations have been destroyed, not as a result of external aggression, but as a consequence of domestic corruption.

Over 100 years ago, one of the most perceptive observers this Nation has ever had, the celebrated young Frenchman Alexis de Toqueville, wrote: "America is great because she is good and, if American ever ceases to be good, America will cease to be great."

Your bill, Mr. Chairman, is one of the very few attempts to do something about this situation, and it is a proposal of the first importance because it recognizes that, as Aristotle wrote: "Virtue and goodness in the state are not a matter of chance but the result of knowledge and purpose. A state can be virtuous only when the citizens who have a share in the government are virtuous."

So I enthusiastically support this bill, Mr. Chairman. I have asked to testify, however, because I have recent and vivid experience with the application of your bill in two ways. Just last week the head of the Portland office of the Commodity Stabilization Office of the Department of Agriculture testified before a Senate Agriculture Subcommittee of which I am a member. He conceded that he had a profit of many thousands of dollars through an interest-free investment he had made—but concealed—in a warehouse company which had business with the office which he headed. Representatives of the personnel office of the Department of Agriculture testified that this man had had available to him various pamphlets and regulations forbidding this conduct. The Commodity Stabilization Office chief conceded this but said that he had in many years with the Department never—until he disposed of his holdings—had a direct verbal or written communication from the Department informing him that in view of his position with the Department, his investment was illegal.

I cite this example, Mr. Chairman, because if this excellent bill is to have the kind of deterrent force it should have, it should provide that the head of every agency affected shall have the duty to establish systematic procedures to insure that all members or employees of the agency are fully cognizant of the provisions of this law and exactly what it means in terms of their own behavior. I am positive that ignorance of what the rules and regulations are is at least as responsible for the misconduct of employees as moral failure. And, of course, the real tragedy is the destruction that comes to persons whose carelessness or ignorance has innocently led them into illegal behavior and perhaps destroyed them and their careers.

My second concern, Mr. Chairman, is with the implications of the provisions in the bill dealing with the acceptance of unusual hospitality. These provisions apply to each of the six regulatory agencies.

In title II-A, which pertains to the Civil Aeronautics Board, section 223(b)(2) specifies that the Congress recognizes that it is improper for any employee of the Board to, and I quote:

"Accept or solicit any money, gift, favor, unusual hospitality, loan, service, employment, or thing of value from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board and in connection with which the member or employee has any duty to perform."

This is very similar to a section of the judicial code of ethics that has been in force for some years for the Civil Aeronautics Board. Experience under the CAB code suggests to me how the provisions in this bill might be improved. Here's the way the parallel section of the CAB code reads:

"Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

Now, Mr. Chairman, the weakness of the CAB code is that "unusual hospitality" has been interpreted by the CAB to exempt, for example, a trip by the Chairman of the CAB and another member of the Board to Pinehurst, N.C., in a chartered pullman car for two and a half days at the expense of two airlines which had business pending before the CAB at the time. The host airline executive called the group the golfing, drinking, and inside-straight society. At the Pinehurst meeting, the business of the Board was discussed in great detail. The two airlines, Overseas National and Flying Tigers, were interested in working out a more profitable arrangement with the Military Air Transport Service, and wanted to use the good offices of the CAB Chairman to accomplish this. As the then vice president of Flying Tigers, Mr. L. C. Burwell, later wrote me:

"We got far more accomplished in 2½ days than we had in the past 2½ years."

The only public report on this meeting appeared in Sports Illustrated in a picture of the participants entitled "High-Flying Golfers."

Was this a violation of the unusual hospitality provisions of the CAB code? Mr. Chairman, it seems perfectly obvious to me that it is almost a classic violation of the code. It would be hard to hypothesize a more perfect violation. A chartered pullman trip to Pinehurst for a weekend of this kind would certainly be regarded as unusual hospitality by this Senator. Public business was discussed. The recent Senate testimony of the head of the CAB who took part in the trip confesses this as follows:

"As to the trip to Pinehurst, this was a weekend golfing trip as a guest of L. C. Burwell, vice president of Flying Tigers, who resided in Pinehurst, and one of its principal competitors, Overseas National Airways. Also present was Mr. Juan Trippe, president of Pan American, another principal competitor, particularly in the business of transporting passengers and cargo by contract with the Military Air Transport Service and other defense establishments. When the invitation was tendered by Mr. Burwell, I was advised that representatives of these competitive airlines would be present, and also representatives of the Military Air Transport Service, including General Wilson, deputy commander. One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation. I have participated in at least 10 or 15 conferences with defense officials and others over the past 4 years for this same purpose (one just last week) and I have testified before committees of Congress as to our efforts in this direction. Congressional committees have repeatedly endorsed the Board's objectives and successful efforts to get more commercial airlift business from the Department of Defense and the Military Air Transport Service."

The letter from Mr. Burwell, who was vice president of Flying Tigers at the time of this trip and is now an official of Overseas National, also confirms this. He wrote:

"The Flying Tiger Line, at that time, operated a business amounting to about $6 million a season in transatlantic commercial charters. The two largest competitors in this business were Pan American and, potentially Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line haul traffic that rightly should go by commercial air carrier.

"I conceived the idea of a golfing weekend and of inviting not only airline officials, but persons in the Government who represented both sides of the argument, plus the Chairman of the CAB and the Federal Communications Commission, whom we wished to persuade to our point of view; but only with advocates for both sides on hand.

"We invited in addition to those that did attend, Lieutenant General Smith, Commander of MATS (who sent his alternate, General Wilson); General Twining, Chief of Air Staff; and Senator SYMINGTON. Neither of these could come. However, we did have Mr. Frank Pace, formerly Secretary of the Army; Mr. Juan Trippe, president of Pan American, and one of its directors, Mr. Mark McKee; Col. Harmar Denny, member of the CAB; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; and several others who are not important at this time. Mr. Prescott, president of the Flying Tiger Line, and I were there, as well as Mr. George Tompkins, president of Overseas National. * * *

"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.' "

The meeting was productive of profit for the airlines, as Mr. Burwell wrote:

"We got far more accomplished in 2½ days than we had in the past 2½ years, or would have gotten in the next 2½ years through uncoordinated random efforts. The CAB, MATS, and the airlines, I believe, saw each other's positions clearly and without prejudice. I think much good has come out of the meeting."

Mr. Durfee was there in his official capacity and useful to the airlines in his official capacity.

As Mr. Burwell said:

"The Flying Tiger Line at that time operated a business amounting to about $6 million a season in transatlantic commercial

charters. The two largest competitors in this business were Pan American and, potentially, Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line-haul traffic that rightly should go by commercial air carrier.

"I conceived the idea of a golfing weekend and of inviting not only airline officials but persons in the Government who represented both sides of the argument, plus the Chairman of the CAB and the Federal Communications Commission, whom we wished to persuade to our point of view, but only with advocates for both sides on hand.

"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.'"

Mr. Durfee admitted that:

"One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get-together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation."

The airlines paid the bill in full, provided the hospitality for the Chairman of the Civil Aeronautics Board.

I quote from Mr. Burwell's letter:

"In order to avoid any appearance of impropriety, I asked Mr. Tomkins [George Tompkins, president of Overseas National] if he wished to share the cost and be cohost, which he agreed to do.

"As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely at my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail, and this was paid by the two airlines, using a chartered pullman car. The costs were borne jointly on a 50–50 basis.

"Now answering your questions specially:

"1. Mr. Durfee was present.

"2. The two airlines bore the costs jointly and the approximate figure per person was $85."

I would like to ask any member of this committee what possible ingredient is missing to make this a prima facie violation of the code of ethics.

And yet, Mr. Chairman, the CAB Chairman denied that it was.

And the Judiciary Committee of the U.S. Senate has just confirmed his view in a committee report that approves the Chairman of the CAB—who took part in this outing—for promotion to a lifetime job at $25,500 as a Court of Claims judge.

Let me say, Mr. Chairman that the Comptroller General told me verbally only yesterday that in his opinion this trip was a violation of the criminal code, a section that calls for a fine of $1,000 or 6 months in jail. But the Attorney General has opined that this kind of trip does not violate the law

Now, if the Congress is going to mean business in an ethical code, the code should be specifically worded so as to prevent a recurrence of the kind of misconduct indulged in by not only Durfee, but by John Doerfer, who was forced recently to resign as FCC Chairman.

The bill as now drafted would prevent neither. Under the bill—which prohibits the acceptance of "unusual hospitality" and I quote: "from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board"—Mr. Doerfer would have been perfectly within the code of ethics to accept the 6-days-on-a-yacht hospitality of George Storer, wealthy owner of a chain of TV and radio stations. He could have done so because at the time Storer had no cases pending before the FCC. This loophole can be closed—and I feel very strongly that it should be closed—by proscribing entertainment by persons who recently had or might be expected in the future to have cases pending before the agency.

Similarly, the conduct of Mr. Durfee in accepting a 2½-day junket to Pinehurst, N.C., plus two lavish inaugural flights, one a 4-day flight to Mexico City, the other a junket to Rome, Italy (the latter, with his wife enjoying the hospitality along with him), all paid for by airlines with many cases pending before the Durfee-headed CAB—escapes the restriction of this code because the Senate Judiciary Committee has already said in a report on Durfee's nomination to the Court of Claims that this hospitality is not regarded as unusual.

This loophole can—and again I feel very strongly that it should—be closed by eliminating the word "unusual" from the language of the pending bill.

Our sagging American moral tone urgently needs a rigorous we-mean-business ethics law like we have in Wisconsin. The Wisconsin statute makes it a crime for a lobbyist to give a legislator so much as a martini or a cigar. This law may seem drastic to some, but the fact is that in Wisconsin it works. It has been on the statutes for more than 2 years and newspapermen, legislators, and lobbyists alike agree that the law has been thoroughly enforced and there is no such thing as entertainment or favors of any kind being extended to members of our State legislature.

I believe sincerely that we in Congress have a special responsibility to set the highest example of ethical conduct for the Nation. To this end, I feel that Congress should be similarly guided by a code of ethics and I hope that during this session we will pass a bill which spells out a definite and explicit code of ethical conduct for Members of the Congress.

The ancient Chinese sage Confucius was asked by one of his disciples: "Master, who is the higher man?" Confucius answered: "The higher man is he who first carries out himself what he demands of others, and then demands of others only what he does himself." This, to me, is the heart of ethics.

Mr. Chairman, I would like to conclude my remarks by saying that I vigorously support your excellent bill. At the same time, I believe that it should be strengthened in certain areas to prevent the kind of misconduct of which Mr. Durfee and Mr. Doerfer are guilty. Without a prohibition against this notorious misconduct, any ethical code might be regarded by the cynical as a namby-pamby, fool-the-public-in-an-election-year waste of time.

REVISIONS OF IMMIGRATION ACT OF 1952

Mr. PROXMIRE. Mr. President, yesterday the President sent to Congress a message urging liberalization of U.S. immigration policy through revisions of the Immigration Act of 1952. I believe the President's proposals deserve high praise as well as our most serious consideration.

The President indicated that what he hopes eventually will be achieved is a complete abandonment of the quota system of immigration. I share that hope, for while there is no inherent right of aliens to enter the United States on an equal basis, it seems to me that the quota system of discrimination against some nationalities is indefensible under any principle of American history or democracy. What is more, I believe it is very bad foreign policy in a day when the attitudes and actions of peoples other than northern and western Europeans are increasingly important to our future.

I must say, however, that the President's fears that such a sharp shift in our policy is unlikely at the present time are probably justified. The specific reforms which he has proposed in yesterday's message attempt to deal with some of the most flagrantly discriminatory features of the present law and to soften some of its worst features. These proposals would, first of all, double the number of immigrants coming in under the quota—raising it to approximately 300,000—and provide for admission of some 10,000 refugees from oppression and persecution each year.

One of the best features of the President's recommendations, and one which has been advocated by others for some time, is to permit the unused quotas of undersubscribed countries to be distributed among oversubscribed countries. Thus, in years when Germany, for example, fails to fill its very large quota, the number of Italians, Greeks, and other groups could be correspondingly increased.

I am also strongly in favor of removing the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle. Whatever good feelings may have been engendered toward the United States in Asia by the admission of Hawaii as a State are annually undermined by the realization on the part of our friends in that part of the world that we discriminate against them in the matter of immigration.

The steps which the President has advocated are a definite move in the right direction. I strongly urge that action be taken on them in this session so that we can go on in future Congresses to a complete overhauling of our outdated immigration system.

JOHNNY KEMP, OF BISMARCK, N. DAK., SELECTED AS 1960 NATIONAL EASTER SEAL CHILD

Mr. YOUNG of North Dakota. Mr. President, we of North Dakota are very proud that a citizen of North Dakota has been selected as the 1960 National Easter Seal Child. Johnny Kemp, of Bismarck, has been selected for this honor.

Johnny Kemp was born with incomplete arms and legs. In spite of his handicap, he is an active 10-year-old boy participating in all of the activities of youth. He is an active Cub Scout, and is very eagerly looking forward to the day when he can participate in all scouting activities.

As the 1960 Easter Seal Child for the National Society of Crippled Children and Adults, Johnny Kemp typifies America's crippled children who are striving for useful lives with the help of private and public health agencies.

Baseball is a favorite sport with Johnny. In fact, he plays shortstop on one of the Peewee League baseball teams sponsored by the Bismarck Recreation Department. Although Johnny is very interested in athletics, he hopes, in spite of his handicap, to become a doctor when he grows up. He is a B-plus student at St. Anne's School in Bismarck. Johnny is intensely interested in all phases of school life, but he still finds time for a Sunday newspaper route.

Mr. President, North Dakota is extremely proud of Johnny Kemp. Few, if any, have accomplished as much as Johnny. Throughout it all, he has remained a very pleasant, likable boy, with a tremendous personality. His life and accomplishments should lend great encouragement, not only to handicapped children, but to us all.

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

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. I wish to join in what the distinguished Senator from North Dakota has just said about Johnny Kemp. His father happened to be a student of mine at the University of Montana. I have known the family for years, and Johnny Kemp's grandfather and grandmother, who live in Wolf Point, Mont., are old and longtime friends.

Johnny Kemp has furnished an example to all of us, so that when we think we have it really tough, we can look at what this youngster is doing. Our admiration for him is unbounded.

It is my understanding that Johnny Kemp is coming to Washington next week. I should like at that time to join with the distinguished Senator from North Dakota to do everything we possibly can to make Johnny's stay in the Nation's Capital as pleasant as possible. He is a great youngster, and a wonderful inspiration.

Mr. YOUNG of North Dakota. I thank the distinguished Senator from Montana. I know Johnny Kemp will be very happy to have these compliments.

SUPPORT OF AMENDMENT TO H.R. 10743 RELATING TO INCREASED APPROPRIATIONS FOR FEDERAL AID TO SCHOOLS IN IMPACTED AREAS

Mr. GRUENING. Mr. President, earlier in this month I testified before the Senate Appropriations Committee which was then considering the bill, H.R. 10743, the Second Supplemental Appropriation Act for the current fiscal year, on matters which are of special concern to the State of Alaska and for which funds would be provided by this bill.

One of the items for which I requested approval of the committee, and which was included in the bill as reported, was the amendment adopted by the House of Representatives which would add an amount of $8,330,000 to funds available to the States for maintenance and operation of schools under provisions of Public Law 874 of the 81st Congress. The money that is allocated under Public Law 874 is a firm obligation of the U.S. Government to the eligible school districts, and these districts are dependent upon it for the operation of their schools.

It is unthinkable that the Federal Government should default on its obligations to the children of the United States by failing to supply funds for the education to which they are entitled.

At the time I testified before the Senate Appropriations Committee, on March 3, it was my understanding, based on the action of the House of Representatives on this matter, that the extent of the failure of the Federal Government to meet its obligations under Public Law 874 would amount to some $8,330,000, or approximately 5 percent of the amount committed. However, as was made clear to the Senate yesterday by the distinguished senior Senator from California [Mr. KUCHEL] it appears that on the basis of most recent calculations, there is a deficiency of some $23,340,000 in the amounts required for the impacted areas, rather than the sum of $8,330,000 which the Senate Appropriations Committee and the House of Representatives have approved.

I am glad to be a cosponsor of the amendment to the Supplemental Appropriation Act which has been introduced by the two able Senators from California [Mr. KUCHEL and Mr. ENGLE]. I wish to urge support of the amendment, and in doing so I call the attention of the Senate that these funds are needed throughout the United States.

As for my State of Alaska, this increase in funds is needed. The new 49th State has faced many difficulties in providing financing for the many responsibilities which devolved upon the State administration with the advent of long desired statehood. In connection with our need for Federal funds for impacted areas there is a peculiarly acute problem in my State. As a result of statehood and the passage, at the last session of Congress, of the Alaska Omnibus Act, there have been transferred to the State activities formerly under control of the Federal Government. As a result of this transfer of responsibility, our State has been faced with an unanticipated decrease in eligibility for funds under the Federal program of aid to schools in federally impacted areas. For this reason, it is of the greatest urgency that Alaska receive all the funds to which it is entitled.

Aside from this particular problem with which Alaska is faced, my State, to a greater extent than is the case with some others, is especially in need of Federal assistance to schools in impacted areas. The activities of the Department of Defense have a very heavy impact on the State of Alaska. Alaska is a bulwark of defense for North America. The Federal Government owns nearly 99 percent of its land, a state of affairs which results, even since the advent of statehood, in a situation in which the activities of the Federal Government are a major factor in the economy and the daily lives of the citizens of the State. In some instances this is beneficial, in others, not.

Alaska needs the additional $811,000 which would be provided by the Kuchel-Engle amendment to the Supplemental Appropriation Act. I urge support of the amendment, and I am grateful to my colleagues from California for introducing it.

LETTER FROM CHARLES J. BLOCH ON SUPREME COURT RULING IN SCHOOL CASES

Mr. ERVIN. Mr. President, one of America's greatest lawyers, Charles J. Bloch, of Macon, Ga., is making a gallant and intelligent fight to preserve constitutional government in America.

On March 16, 1960, Mr. Bloch wrote a letter to the editor of the New York Times which has direct relevancy to some of the matters under discussion in the civil rights debate.

For that reason, I ask unanimous consent that Mr. Bloch's letter be printed in the RECORD.

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

BLOCH, HALL, GROOVER & HAWKINS,
Macon, Ga., March 16, 1960.

EDITOR, THE NEW YORK TIMES,
New York, N.Y.

DEAR SIR: I have just read in the Times of Saturday, March 12, 1960, a letter to the editor signed by Professor Westin, of Columbia University, in which he refers to the so-called campaign of slander against the Supreme court, allegedly being conducted by the southern Senators.

When I read it, I immediately thought of one of your editorials which appeared during the week of February 29. It was an editorial severely criticizing the opinion of the Supreme Court announced February 29, 1960, in the case of *Nelson* v. *County of Los Angeles*.

I wonder why people think that newspaper editors have a perfect right to criticize decisions of the Supreme Court, but when southern Senators in the course of their duties do the very same thing, their acts are characterized as "slanderous."

The validity of the position of the southern Senators with respect to utterances of certain Justices of the Supreme Court of the United States is demonstrated by utterances of Mr. Justice Black in the case of *Federal Power Commission* v. *Tuscarora Indian Nation*, in a dissenting opinion delivered on March 7, 1960 (28 Law Week pp. 4185, 4186).

Justice Black said: "These Indians have a way of life which this Government has seen fit to protect, if not actually to encourage. Cogent arguments can be made that it would be better for all concerned if Indians were to abandon their old customs and habits and become incorporated in the communities where they reside. The fact remains, however, that they have not done this and that they have continued their tribal life with trust in a promise of security from this Government."

I cannot help but wonder where the sentiment expressed by those words was on May 17, 1954.

Prior to that time, we southerners had a way of life which the Government had seen fit to protect, if not actually to encourage, by inaction of Congress on the subject and by repeated decisions of the Supreme Court and other courts on the subject.

Further, Justice Black said: "It may be hard for us to understand why these Indians

cling so tenaciously to their lands and traditional tribal way of life. The record does not leave the impression that the lands of their reservation are the most fertile, the landscape the most beautiful, or their homes the most splendid specimens of architecture, but this is their home and ancestral home. There they, their children and their forebears were born. They, too, have their memories and their loves. Some things are worth more than money and the cost of a new enterprise."

We cannot help but wonder why Mr. Justice Black and the Chief Justice and Justice Douglas, who concurred with him, can so well understand and express the feelings of the Indians and at the same time not understand why we southerners wish to cling tenaciously to our customs and traditions, which have had the blessing of the law for 90 years.

The dissenting opinion concludes: "Great nations, like great men, should keep their word."

This is the self-same sentiment which our southern Senators and most southern lawyers have been sturdily and strenuously advocating since May 17, 1954.

Prior to May 17, 1954, the word of this great Nation as pronounced by the Supreme Court of the United States with respect to the segregation of the races in the public schools was this: "The decision is within the discretion of the State in regulating its public schools, and does not conflict with the 14th amendment." These were the words of Chief Justice William Howard Taft in the case of *Gong Lum et al.* v. *Rice, et al.* (275 U.S., at p. 87). That language, which we southerners considered to be the word of our great Nation, was concurred in by Justice Oliver Wendell Holmes, Willis Van Devanter, James C. McReynolds, Louis D. Brandeis, George Sutherland, Pierce Butler, Edward T. Sanford, Harlan Fiske Stone.

Very truly yours,

CHARLES J. BLOCH.

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

Mr. ERVIN. I am delighted to yield to the Senator from Georgia.

Mr. RUSSELL. I wish to express my appreciation to the distinguished Senator from North Carolina for offering the letter for the RECORD. I think that letter presents one of the strongest arguments I have ever seen in behalf of the position that has been taken by those of us on the floor who are making this fight for the Constitution of our fathers.

I hope, Mr. President, that the great periodical to which it was addressed, the New York Times, will see fit to print Mr. Bloch's letter in full. The New York Times certainly has carried a number of communications which were much less deserving.

POSTAL RATES

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Washington Evening Star concerning postal rates. I believe it to be important to this body to know that in the 13 years from 1947 to 1959 alone, our postal deficits aggregated $6.8 billion and accounted for approximately one-half of the $15.3 billion increase in our Federal debt.

I feel that this is an excellent article on the subject, and I commend it to my colleagues.

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

PAY FOR THE MAIL

Congress should forget its election-year coyness and authorize the postal rate increases recommended by President Eisenhower.

Failure to do so, in the face of an estimated $554 million postal service deficit in fiscal 1961 under existing rates, would be completely irresponsible and an affront to budgetary good sense. Furthermore, it would amount to a violation of policy which Congress itself spelled out in 1958 to the effect that "rates should be adjusted whenever necessary to recover postal expenses."

The longtime failure, and it is primarily the fault of Congress, to put the Nation's postal service on something approaching a self-supporting basis has been a costly one to the taxpayers. As the President pointed out in his budget message, and again in his special message to the Congress last week, the cumulative postal deficit for 13 postwar years totaled $6.8 billion—almost half the increase in the Federal debt during that same period. Interest charges alone on this $6.8 billion fragment of the debt amount to $200 million yearly.

Economies and improved efficiency in postal operations during the postwar years have been more than offset by two factors. One has been the vast increase in volume of mail. The other has been the steady rise in cost of virtually everything the Post Office Department uses or buys. Revenue-producing rates have not kept pace. Increases recommended at this time would apply to virtually every category of mail, but would raise by only 1 cent the basic charges on first class and airmail. The Department estimates that this increase on first-class letters, for example, would cost the average family only about $1.80 yearly. In the long run, perpetuation of the deficit habit is apt to cost more—either in money or in deterioration of the service.

THE CUBAN SITUATION

Mr. SMATHERS. Mr. President, in this morning's Washington Post there appeared a story written by Warren Unna, under the title "Three More Cuban Aides Quit Castro's Regime." The article names them:

Three Cuban officials—a Cabinet minister and two members of the Cuban delegation to Washington—have severed relations with Premier Fidel Castro's government.

In Havana, Finance Minister Rufo Lopez Fresquet, the last member of the Castro cabinet who could be linked with the term "moderate," yesterday resigned because of what was described as "poor health."

At a closed-door meeting of the Inter-American Defense Board in Washington yesterday, Miguel F. Pons announced he had had enough of Castro. Board members quoted Pons as having denounced Castro as a "stooge of international communism" and as the "new dictator of Cuba."

The Embassy's military and air attaché, Capt. Angel L. Saavedra, disclosed he had quietly resigned his posts Wednesday.

Both Pons and Saavedra, United Press International reported, are expected to seek and be granted political asylum in the United States.

As we read the article, we see that it states that the gentleman who quit the Inter-American Defense Board, on which he had been serving while he was a naval attaché at the Cuban Embassy, received a standing ovation from the Inter-American Defense Board when he announced that he was stepping out of the Communist government of Castro. He made this statement:

There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo.

I thought that was rather significant, because, as the article points out, there are left only 5 of the original members of the 26th of July movement, which at one time had in the neighborhood of 130.

What disturbs me is that on another page of the same newspaper there is an article by Marquis Childs entitled "A Greek Tragedy Unfolds in Cuba." Mr. Childs states:

In the works are important new moves to try to retrieve something out of the rapidly deteriorating situation in Cuba. First and foremost is the return of Ambassador Philip W. Bonsal to his post in Havana.

Mr. Bonsal was our Ambassador, whom we had withdrawn from Cuba. In my judgment this article has been inspired by the State Department. I am almost certain that it is planned to send Mr. Bonsal back to Cuba.

I ask, What are these men who just resigned from the government of Fidel Castro, and who stated that it was a Communist government, going to do if our State Department, if the Secretary of State and this administration, allow our Ambassador to go back and, in effect, hold out the hand of friendship to the government which is accused by the three Cubans who resigned yesterday of being Communist? What happens to our friends in Latin America who think that we are opposed to communism, when they see this Ambassador come marching back down there, holding out once again the hand of friendship? What side are we on?

When we think of Major Diaz Lanz commander of the air force in Cuba; when we think of Major Matos, commander of a Cuban military province, and when we think of all the others who have quit, every one of whom has said that this is a Communist-controlled government, even though Fidel Castro himself may not be a Communist; and when we consider that we have withdrawn our Ambassador from that country, and are now thinking about sending him back do we not give aid and comfort to those whom we all admit are our greatest enemies in the world? Do we not make it appear that we are supporting this man who follows a line which has every hallmark of communism, even though he himself, as an individual, may not be a Communist?

Where is the sense in such a course? I think the time has come for the U.S. Congress to undertake some resolution which might permit us to stop an act which would live to haunt us, however long we may live, whether 50 or 100 years into the future? By such an unwise, indiscreet act as this, we would

uphold and give support to the very group of people who we say are out to destroy us. Not only do we say it, but they say it, too.

I think this would be the worst capitulation we have ever seen the United States make in the Western Hemisphere. I, for one, protest an act on the part of the State Department which I have reason to believe is coming; namely, the return of Ambassador Bonsal to Cuba. It would mean a greater loss of prestige and friendship for us in Latin America than anything else we have ever done. It would negate the trip by President Eisenhower. It would wipe out the efforts of the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], and myself to help people who believe in democracy. This would be the catastrophic result of any decision to return our representative to a government which is obviously a dictatorship in every respect, which engages in the suppression of elections, the deification of one man, the expropriation of property, and the destruction of civil rights.

The present government of Cuba is the same type as that of the Soviet Union. When we send back to Cuba our own representative and say, in effect, "We want to do business with you because we are afraid of you," I say that we have lost a great deal of our own pride and dignity; but, worse than that, we have lost most of the friends we have heretofore made in Latin America.

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

Mr. SMATHERS. I am glad to yield.

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

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Florida may have 2 additional minutes.

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

Mr. DIRKSEN. Does the Senator suggest that we completely sever diplomatic relations?

Mr. SMATHERS. While I am not at this moment recommending that we sever diplomatic relations, I suggest that we stop capitulating and bowing down to the browbeating we are getting from the little dictator, Fidel Castro. To send our Ambassador back would be a terrible mistake.

Mr. DIRKSEN. Is it the judgment of the Senator that we should not return a diplomatic representative to Cuba?

Mr. SMATHERS. The Senator is absolutely correct. I think we should not send Mr. Bonsal back. We now have down there a chargé d'affaires and a vast embassy staff. What has transpired since Mr. Bonsal left? The government of Fidel Castro has continued to abuse us. It has entered into a trade agreement with Mikoyan of the Soviet Union. It expects to receive arms and munitions from the Soviet Union.

Recently Che Guevara, the head of the National Bank of Cuba, stood before University of Havana students and said, in effect, "The American imperialists are trying to force us to our knees, because they demand that we sell them all this sugar for 5 or 6 cents a pound, whereas the Soviet Union has endeavored to help us, and has agreed to buy the same sugar from us for 2 cents a pound."

Since that time, how many original members of the 26th of July movement have had all they could stand and have gotten out, and called the Government of Cuba a Communist government? Three resignations are announced in this morning's Washington Post. Does the minority leader maintain that because that has transpired we should now send the Ambassador back? Is that an act of friendliness toward us?

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the time be extended for another 3 minutes.

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

Mr. DIRKSEN. I commend the Senator from Florida for a long trip and for an earnest effort to find answers in the Latin American areas of this hemisphere, for the report he made, and for the very succinct and penetrating questions he asked in the Foreign Relations Committee when it was my privilege to attend the hearing.

It is easy, of course, to indulge in generalities. The only reason for any questions I may ask is not to offer advice on the subject at the moment, because I pretend to no expert knowledge in this field. However, I do like to seek specific answers to specific questions when I can.

Mr. SMATHERS. I shall endeavor to give specific answers.

Mr. DIRKSEN. That raises a third question. Does the distinguished Senator from Florida wish to recommend a course with respect to sugar which could be regarded as a reprisal at this particular time? By that I mean either cut the quotas or, in the temper and intent of a bill already pending in the House of Representatives, prohibit any sales of Cuban sugar in this country except at the world price, all of which would be regarded as punitive and in the nature of a reprisal.

Mr. SMATHERS. I may say to the Senator from Illinois that the only people who would consider an act on our part reducing the sugar quota as a reprisal would be the present Communist-dominated Government of Cuba. My own observation from traveling through 10 countries this year is this. Our friends have said to us, "Are you going to give to that country which abuses you and condemns you and fights with you preferential treatment, when you will not even give countries like Brazil or Peru or San Salvador or Haiti or even Mexico an adequate sugar quota, when these countries vote with you and are on your side?"

We have helped the Cuban Government of Fidel Castro by letting it sell to us 3,200,000 tons of sugar at 3 cents above the world price. The only one who would regard that to be a reprisal would be Fidel Castro's government. In business, is it considered an act of reprisal to say that we will deal with everyone on the same level? Why must we continue to do this when that Government is abusing us, and when in each morning's paper we read of more officials resigning from that Government? This morning the newspapers carry the story of three more men of responsibility and stature who have resigned. Do we have to continue to do this for fear that what we do will be considered a reprisal? I do not believe so. It would be considered a sane and sensible action.

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

Mr. DIRKSEN. I ask unanimous consent that the Senator may be yielded 5 additional minutes.

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

Mr. DIRKSEN. Let us take one step further. As I understand, the Senator does not want us to send our Ambassador back to Cuba. Is that correct?

Mr. SMATHERS. That is correct.

Mr. DIRKSEN. Does the Senator have any other specific suggestion with respect to our course after that?

Mr. SMATHERS. I would say at this time, as long as the government of Fidel Castro is following its present course, it would be a terrible mistake for us even to indicate that we approve the course of that government by sending our Ambassador back. Only one conclusion could be reached if we were to send him back; namely, that we approve of the course which that government is following and that we accept the abuse which it is pouring on us openly. Furthermore, it can be interpreted only as an act of appeasement. I have heard my good friend from Illinois make many speeches against appeasement. We should not appease this little dictator by sending our Ambassador back to that country.

Mr. DIRKSEN. I have one other question. The mere withholding of the Ambassador would not be an affirmative act in seeking a solution of this vexing problem. What would be the next step suggested by the distinguished Senator from Florida?

Mr. SMATHERS. I cannot help feeling that we should turn this matter over to the Organization of American States, under the Caracas resolution, and turn over to that Organization all the information available to us from CIA and military intelligence agencies. Under the Caracas resolution joint action can be taken against any government which is considered to be a Communist-controlled government. If we were to work through that Organization, we could probably get rid of this fellow, and we would not be acting unilaterally.

When the President of the United States rode into Chile and Uruguay, whose picture was brought out and paraded on the streets? It was the picture of Fidel Castro. If we were to send our Ambassador back to Cuba, we would be saying, in effect, "I guess we approve of him." That would be a terrible mistake.

We must be firm. We must encourage those people who have the courage to defect from the government of Fidel Castro. What happens to all those

thousands of people who have fought for Cuba, and those who in recent weeks and months have been able to get away from Fidel Castro and his Communist-type government? What happens to them, when they see that we send our Ambassador back to Fidel Castro's government? Do we encourage them to continue their fight for freedom?

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

Mr. SMATHERS. I yield.

Mr. CHAVEZ. The Senator from Florida is contributing a great deal of information to the Senate. However, if we do not recognize Castro's government because of its purported Communist tendencies and do not send our Ambassador back to Cuba, why should we not also recall our Ambassador from Moscow, where the men live who are behind the throne in Cuba, according to some people who are familiar with the situation?

Mr. SMATHERS. We have withdrawn Ambassador Bonsal from Cuba. Why? He was withdrawn because the Communist government of Fidel Castro was hurling insults at the United States. Since our withdrawal of the Ambassador, there has been no change in the attitude of the Castro government. In fact, it has even been getting worse than it was before, as the Senator from New Mexico knows.

Mr. CHAVEZ. If I had my way, I would give him a shave first.

Mr. SMATHERS. At least 13 former agents of the Castro government have quit Castro and have said, "This is a Communist government." In the face of all that, and the continuing abuse by that government of the United States, is there any justification for sending back our Ambassador?

Mr. CHAVEZ. I am poud of the fact that the Senator from Florida has been able to take a trip to Latin America. I only wish more Members of the Senate would take such trips, whether they are members of the Committee on Foreign Relations or whether they go as individual Members of the Senate. I wish more Senators could take such trips to Latin America. The difficulty is that we do not know Latin America. I should like to ask the Senator this question. When he went to Latin America, did he talk to the local officials who might have been only in temporary control or power, or did he have an opportunity to talk with the rank-and-file people who actually represent Latin American countries and who are actually the ones who do business with Uncle Sam?

Mr. SMATHERS. I have had an opportunity to talk with the rank-and-file people.

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

Mr. DIRKSEN. Mr. President, I ask unanimous consent that 5 additional minutes may be yielded to the Senator from Florida.

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

Mr. SMATHERS. I talked with the rank-and-file people and also with government officials. I talked with a considerable number of rank-and-file people. Obviously when a person is in a country for only 4 days, he cannot go into a subject as widely as when he is in that country for 4 months or so. I did make an effort to talk to a great number of rank-and-file citizens.

Mr. CHAVEZ. I am glad to hear that. Generally when a Senator visits a country he is met by three or four generals and officials of the government and someone from the American Embassy. They keep the visitor so busy, entertaining him, that he does not have an opportunity to get across the railroad tracks to see how the people are living. I think I know Latin America. I read and speak their language. I read their newspapers. I talk to their people when they come here. Whenever the State Department brings a group of schoolchildren to the Capitol, they bring them to my office.

When they come from Colombia or Chile, it is my office to which they are sent. So I think I understand the situation. But I am so glad the Senator from Florida has had an opportunity to talk to the rank and file, because while dictators come and dictators go, we hope that Latin America will continue forever.

Mr. SMATHERS. I thank the Senator from New Mexico. I share his sentiment.

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

Mr. SMATHERS. I yield.

Mr. DIRKSEN. I am drawing strictly on memory, but it seems to me there are two provisions or two sections in the Caracas convention which are rather inhibiting so far as the United States is concerned, and which could offer some difficulty and certainly add to the delicacy of the whole situation. I have never heard them discussed except once, and that was privately; but it is public information. Therefore, in connection with this whole discussion, I should like to have those two sections of the Caracas convention incorporated in this rather running colloquy on this all-important subject, if the Senator from Florida has no objection.

Mr. SMATHERS. That is a constructive request.

Mr. President, I ask unanimous consent to have printed at some point in the RECORD, at the request of the able Senator from Illinois, the pertinent sections of the Caracas resolution.

There being no objection, the material was ordered to be printed in the RECORD.

Mr. BUSH. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. BUSH. As the Senator from Florida probably knows better than any of the rest of us, we are discussing a very sensitive subject today. I wish to raise a point with the Senator, and ask him to comment on it.

If we should refuse to let Ambassador Bonsal return to Cuba now, we would be doing so on the eve of negotiations on the sugar quota, the debate on which will come before the Senate shortly. The Senator from Utah [Mr. BENNETT] introduced a bill on that subject the other day. It gives the President some permissive powers.

I wonder if the Senator from Florida does not believe it might make the negotiations concerning this very important matter more difficult for us if we, in a sense, severed diplomatic relations at this stage of the proceedings.

Mr. SMATHERS. We are already in the position of having had our Ambassador to Cuba in the United States for the better part of 3 months.

Mr. BUSH. But was not his return to Washington simply for consultation? His return was not in the nature of a recall.

Mr. SMATHERS. It was interpreted in Cuba as being in the nature of a recall. It was believed he had been brought back here because of intemperate remarks which were made about the United States and the President of the United States by the government of Fidel Castro and Castro himself, they being one and the same.

With respect to negotiations with Cuba, the Senator has been a businessman, and he knows that when he holds all the cards, or all the stock, he does not have to do much negotiating. Every country wants to sell sugar to the United States. That is one commodity which can be grown all over Latin America; as a matter of fact, it can be grown all over the United States. It is grown in the beet area of the Senator from Utah [Mr. BENNETT], and in the cane area of Florida, and also out in the State of Washington, and everywhere else where sugar can be produced. Everyone wants to grow more and more sugar.

I state as a fact that the junior Senator from Florida was one of the chief architects of the plan by which Cuba got its very favorable quota when the sugar act was last before the Senate. The junior Senator from New Mexico [Mr. ANDERSON] and I, on the floor of the Senate, had the quotas for the Dominican Republic and Peru reduced.

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

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Florida may have 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. The Senator from New Mexico and I had the sugar quotas for the Dominican Republic and Peru reduced in order to make liberal provision for Cuba, because while Cuba at that time had a dictatorship, the argument was—and I thought it a worthy one—that at least Cuba was cooperating with the United States. Some persons believe it is very bad if the person who is cooperating is not able to pass a sanitary test. In any event, there is no problem concerning negotiations. There are all the other Latin American countries to be considered.

For example, Brazil has no quota whatever, but would love to have a quota. Brazil needs a quota.

El Salvador has no quota whatsoever. Mexico, which is our best customer, cannot get a sufficient amount of sugar as its quota to sell in the United States, in

order to get the dollars with which to buy the equipment needed to modernize Mexico's refineries.

So all those countries would like to have their quotas increased. That is all they ask.

Therefore, I say to the Senator from Connecticut that we do not have to worry about whether the government of Cuba will like us. They want to sell all the sugar they can sell to the United States. They are not out looking for markets. They are threatening us and are saying, in effect, "If you do not let us have the quota we have previously had, we are likely to go out and do more business with the Soviet Union." That argument, unfortunately, seems to be getting some support, even in the United States.

Mr. President, I do not believe the United States should knuckle under to that kind of threat, which is that if we reduce Cuba's sugar quota, Cuba is likely to go off and do business with some other country.

Mr. BUSH. It is not a question of knuckling under; it is a question of facing the renegotiation of this quota once every 4 years, and we are now coming to that point. It is a question also of a supply of sugar for the people of the United States. It is not simply a one-way street. We are somewhat dependent, as I believe the Senator from Florida will agree.

Mr. SMATHERS. No. At the moment, according to the latest figures, there is something like a 10-million-ton sugar surplus.

Mr. BUSH. In the world.

Mr. SMATHERS. Certainly. We can buy that sugar at the world price. We would pay 3 cents more a pound to get it from Cuba. Does it make sense for us to pay 3 cents more a pound to get sugar from Cuba, when we can get surplus sugar on the world market, or even grow more sugar ourselves? If we cannot grow it, we can buy it at much less cost on the world market than the price for which we can get it from Cuba.

Mr. BUSH. I do not know whether, if we purchased sugar on the world market, we could buy it at the price the Senator has suggested.

Mr. SMATHERS. The price might go up a little, but not to the price at which we would contract to buy it from Cuba. I am certain the Senator from Connecticut is no apologist for Castro.

Mr. BUSH. The Senator from Florida must know that I submitted a resolution in January, which I am certain has come to the Senator's attention, in which, in effect, I asked for a revival of the Montroe Doctrine right now. The only reason why I have not pressed for hearings on the resolution in the Committee on Foreign Relations is that the chairman of the committee, after a discussion of the resolution with me, thought it would be better to delay action on it for a while. I think perhaps he is right.

Mr. SMATHERS. The man who was with Castro from the days of Oriente Province, a Navy commander who has been serving in the triple capacity of head of the Cuban delegation on the Inter-American Defense Board, Cuban delegate to the Organization of American States, and naval attaché at the Cuban Embassy, said when he quit yesterday:

> There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo—

A stooge of international communism. Does the Senator from Connecticut believe that that man knows what he is talking about?

Mr. BUSH. I believe that what we do in this instance should be done after the most careful consultation with other members of the Organization of American States. I am certain the Senator from Florida realizes better than any of us how sensitive that Organization is and how important it is for us to work in the closest proximity and harmony with them.

Mr. SMATHERS. There is no question about that.

Mr. BUSH. It would be undesirable for the United States to take unilateral action all of a sudden and announce that we were going to withdraw our Ambassador. To sever, in effect, our diplomatic relations with Cuba would be a very serious step.

Mr. SMATHERS. Certainly the Senator does not maintain that we cannot send or withdraw an Ambassador only with the approval of the Organization of American States.

Mr. BUSH. No; we have a perfect right to act as we please. But what we do will be of such interest to the whole Organization of American States, including ourselves; and at this stage of the game with Castro, I would want to be very much in consultation with the other Latin American States in reaching a decision of such major importance.

Mr. SMATHERS. Would not the able Senator agree that we would be wise not to embrace a Communist government or a government which looks as though it has embraced communism?

Mr. BUSH. I do not believe there is any doubt in anyone's mind that we are not forced to embrace a government dominated by Communists. That has nothing to do with the situation.

Mr. SMATHERS. I completely disagree with the Senator from Connecticut that we must do business with Cuba. That is the whole point. Do we intend to give leadership to the people of the Western Hemisphere in our opposition to a growing Communist movement or do we intend to endorse the Communist movement and recognize it by returning our Ambassador to Cuba directly in the face of the statements by three more Cubans that they are getting out of Cuba because its government is Communist dominated? That is the whole issue.

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

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. I shall take but one moment. I was pointing out to the Senator from Florida that to take the leadership does not necessarily mean taking unilateral action in a sensitive situation like this, and doing so at this time.

Mr. SMATHERS. Let me ask the Senator a question: If I had a contract with the Senator, and if I suddenly began to back out and violate the contract—as the Cubans have backed out on their bilateral agreement with the United States—and if then I began to abuse the Senator, would it be construed to be unilateral and unfair on the Senator's part if, after I abused him, he said, "I do not want to do business with you any more"?

Mr. BUSH. But the Senator from Florida forgets that we have sugar contracts with 12 or 15 other countries.

Mr. SMATHERS. But they do not relate to our sugar contract with Cuba.

Reference has been made to international organizations. In that connection let me ask whether the Organization of American States helps us pay Cuba under our sugar contract with Cuba? No; all those payments are made solely with the funds of the American taxpayers, and the contract is directly between Cuba and the United States.

Mr. BUSH. I understand that; but the question involved here is one of our total relationships with Latin America; and in these circumstances we must provide the proper leadership.

Mr. SMATHERS. I agree with the Senator as to that; we must provide leadership. When these people are teetering between communism and democracy and free enterprise, how much does it confuse them to see us suddenly embrace a government which has been abusing us, and which, according to its own people, has now gone completely Communist? Does that confuse the people in the other countries in this hemisphere? Of course it does. They were already rather thoroughly confused by our soft position toward Castro, and many of them asked, "Why is it that you treat your enemies better than your friends?"

Mr. President, what sort of operation is it when we continue to give preferential treatment to the one who abuses us, and when we turn our back on those who stand with us?

Mr. BENNETT. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. SMATHERS. I am happy to yield.

Mr. BENNETT. The Senator from Florida has properly referred to his trip to Latin America and to the impressions he received during it. I am sure he realizes that we have Ambassadors to all those countries, and that the sugar-quota question and the question of our relations with Cuba have been very much within the responsibilities of those Ambassadors. Furthermore, the President of the United States himself has only

recently returned from a trip which included Brazil and some of the other Latin American countries; and, upon his return, the President decided—and I am sure he did so on the basis of the information supplied by our State Department, plus his own consultations with these people—that it would be wisest, under the circumstances, to continue our present sugar-quota relationships.

So I do not believe that these people are teetering with regard to our leadership. I am sure the President has returned with a clear understanding of the point of view which the people there would like us to take.

Mr. SMATHERS. The Senator is absolutely correct when he speaks about our Ambassadors. In the countries to which I went, I conferred with the President of each one; and we talked generally about this matter. Exactly what we said is not to be revealed; but in each case I asked the Ambassador to accompany me to the meeting, and I can say without fear of contradiction that the general impression was that the United States is losing stature and is losing dignity and is losing respect in the eyes of all the people in the Latin American world by this continuing, soft, vacillating, timorous policy of hope—a policy of hoping that, somehow, the cancer is going to vanish. But the policy of hope is getting us nowhere. The Ambassadors accompanied me to those meetings. I do not say that all of them will approve exactly of what I am saying; but they were present when I heard those comments made.

And, Mr. President, I remember that one President put the matter this way—and I thought he was exactly correct: He said: "I want to tell you one thing: If you deal firmly and toughly, you are going to be respected."

I replied, "But isn't it true that in that event we would be widely criticized in Latin America?"

He replied, "Yes." He said: "You have been in politics, and I have been in politics, and both of us have learned that it is impossible to have everyone in favor of you. What is happening to you is that if you act soft, you are going to lose the friends you now have. If you act firm, you may not create any new friends; but remember that those who then would be against you have been against the United States from the start, and they are going to be Communists right down to the end."

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I realize that the time in the morning hour is limited. Therefore, if necessary, I shall later obtain the floor in my own right, and then shall be glad to yield, in turn, to the Senator from Florida.

I should like to commend the Senator from Florida for the position he has taken. I, for one, cannot for the life of me understand why our Nation must appease Castro.

About 4 years ago we had a sugar measure before us; and the members of the Finance Committee had the courage to do what they thought should be done with the sugar quotas. The Sugar Act is our domestic law; it does not involve any reciprocity. In dealing with that Sugar Act, we made reductions in the quota which Cuba otherwise would have had; and we increased slightly the quota for Mexico; and we took the advice of the State Department in certain other respects. We allowed a little more to our own producers, as the Senator from Florida will recall. But in dealing with quotas at that time, we were dealing with friendly governments.

On the other hand, now we are confronted by a fellow who would drink our blood, if he could. Yet some say, "Oh, my goodness, don't offend him. All he wants to do is destroy you." And people tell us day in and day out, "O, we must not offend Castro. He might get mad." And in the House of Representatives some say, "My goodness, if you don't give Castro everything he wants, you might offend the Cuban people."

Well, Mr. President, some of us did not want to fight the Germans, because we felt that the German people did not approve of what Hitler was doing. But, on the other hand, we could not stop Hitler without fighting the German people. Does the Senator from Florida agree with that point of view?

Mr. SMATHERS. I completely agree. I do not agree at all with this Chamberlain-umbrella appeasement policy. As a matter of fact, I am amazed at some of my good friends, who for years have criticized other administrations for a policy of appeasement; but now, somehow, they want to embrace a policy of appeasement. I do not understand it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The State Department, at least, wanted the President to have some flexibility of authority, so that at least he could have the power to reduce the sugar quotas in order to protect American interests, so they would not be 100 percent dependent on the mercy of Castro. Yet when the State Department said it expected to urge the President to do this, and when the State Department said it believed the President would ask for it, lo and behold, to my surprise, instead of finding that the committee urged and demanded that the State Department take a firmer stand and advocate a firmer course, the committee itself appeared to be timorous about maintaining a firm policy with Castro. That is difficult for some of us to understand, because for years there has been criticism of the State Department for being fearful and timid. Yet, Mr. President, now we find that some of the committee members are being even more fearful of dealing firm with Castro himself.

Mr. SMATHERS. I agree with the Senator from Louisiana. Certainly we are making a tragic mistake here; and we have caused very great confusion among, for instance, the people who have had the courage to leave the Communist-dominated government of Castro, for thereafter they have found that we are dealing softly with Castro.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Florida has expired.

Mr. HICKENLOOPER. Mr. President, I should like to discuss this matter for a few minutes with the Senator from Florida. So far as the Caracas Declaration is concerned, I have some little knowledge of it, because I was a member of our delegation to that conference, and I went through those discussions.

With reference to the Senator's suggestion that this matter be turned over to the Organization of American States, under the Caracas Declaration, I call his attention to the terms of the Caracas Declaration which presents some difficulties. The pertinent section of the declaration, which I now hold in my hand, is as follows:

The agreeing states—

And I believe that all of them except two agreed—

declare that the domination or control of the political institutions of any American state by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

I may suggest to the Senator from Florida that I agree with many of the things he has said about Latin America. I also have had an opportunity to be in South America a number of times. But I point out definitely that one of the prerequisites in the Caracas Declaration is the establishment of the fact that a foreign power is imposing its Communist system upon a nation in this hemisphere.

Whether or not that can be established at this time, I do not know. Without a doubt, Castro and his minions in Cuba are operating under the Communist philosophy. Whether the government is being run by the Communist Kremlin or not may be subject to argument, but certainly they are operating under the Communist doctrine.

Secondly, the Caracas Declaration contemplates unity of action by the American Republics. Anyone who attended the Caracas Conference, the Rio Conference, and some of the other conferences in Latin Amercica knows that one of the most touchy situations that can arise in Latin America is the subject of intervention. The cry of intervention, when it is raised, goes like wildfire through the whole Latin American complex. The charge of "colossus of the north" is fair game for any political harangue, discussion, or campaign in Latin America. All a demagog has to do is talk about "dollar diplomacy," "the colossus of the north," and "nonintervention," and we have a hornet in our nest.

There are many Latin-American leaders who will privately tell the Senator, or me, or any other official who talks to them privately, that we should take a stronger stand. The difficulty is that when we take a stronger stand, in reliance on those statements, we then excite all the emotions of the rank and file of the people in those countries, and we set ourselves back in our relations be-

cause we have taken a stronger stand, in reliance on what some of the leaders have told us privately, but which they do not advocate or say publicly.

One of the difficulties we have—and we may as well be realistic about it—is that this is a very proper field in which the Latin American States or the American Republics can take a direct hand, but up to date they have not done so. The United States has stood ready to cooperate with them. We have offered to give, and have given, them information on the Cuban situation, but we have seen what in my judgment are dilatory tactics on the part of the Latin American States, who do not want to come to grips with this problem as I think they should.

I think a great responsibilty rests on the Latin American States to come forward, in cooperative action, to help us arrive at some solution of the problem.

We have the power to send our forces there and invade Cuba. We can overrun Cuba. But that is not what we should do. The Latin American States have a responsibilty in this problem, and I, for one, am not willing to say that the United States has all the responsibilty on its hands.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. Yes.

Mr. MAGNUSON. I do not think the Senator from Florida disagrees basically with what the Senator from Iowa has said.

Mr. SMATHERS. No. I am in agreement with him.

Mr. MAGNUSON. The Senator from Florida made a very fine report, which has been made a Senate document. I recommend its reading. I think it is a good background for this whole problem. But we do have the problem of sugar quotas, on which we must act unilaterally and make a decision. The Latin American countries surely will not criticize us if we ask for an equitable rearrangement of the sugar quotas—which should be done regardless of Castro.

Mr. HICKENLOOPER. A lot of them would be pleased if we entirely cut off the sugar quota to Cuba.

Mr. MAGNUSON. Here is what is happening: Some of our farmers on reclamation lands are not allowed to raise sugar beets, and they cannot make payments on the land. We are haggling with the Department of the Interior not to raise payments. They are shocked over the fact that Castro is going to be benefited at their expense. This is a business proposition. We should take care of our own people first. They say, "Here is a fellow kicking us around like this, and we cannot make enough money off the land to pay the water costs."

What kind of a basis is that? We have to start on the basis that first we will first take care of those at home, put our own house in order, and then add to that house, and look at the overall picture. I do not know how anyone in Latin America could complain if we wanted to do the right and fair thing on the question of sugar quotas.

Mr. HICKENLOOPER. There is more than that involved. The fact is that we have had a great interest in Cuba ever since its establishment as a sovereign Republic. It is the Cuban people we must have some consideration for, in addition to the fact that we do not want to be a party to getting kicked around by an immature, irresponsible leader in Cuba, who happens to be temporarily in power at the moment.

Mr. MAGNUSON. What about our own people?

Mr. HICKENLOOPER. Our own people have their interests, of course, but I say the problem is a little broader than that of Castro himself. The problem goes as much to our relationships not only in the past, but our hope for friendly relationships in the future with the people of Cuba. I do not think we should let ourselves be led too emotionally by this bogey of a man with a beard down there, and lose sight of the fact that the Cuban people are involved.

Mr. MAGNUSON. If we give in to things of this kind, the people of Cuba are going to say, "Castro must be a great man."

Mr. SMATHERS. Mr. President, I agree with every point the Senator from Iowa has made except the last. The Cuban people who do not like dictatorships, who resisted Batista, and who were delighted when he was thrown out by Castro, are now appalled by and want to get rid of Castro. What happens to them when they are thinking of plotting a revolution to overthrow him? What happens to them when they see the United States suddenly send back to Cuba an Ambassador? That somehow the United States approves of this fellow? Such action strengthens Castro. It holds him up. When one is trying to defeat somebody, even for election in a State, we do not bring a "big guy" down from New York or from Washington and have a picture taken of that person with his arm around the shoulder of the man we want to see defeated.

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

Mr. SMATHERS. Mr. President, I ask unanimous consent that we may continue this discussion for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. What happens when we want to get rid of a dictator, or even a politician in our own State? We do not give him stature. We do not do it by sending our Ambassador back to that country. By so doing we are giving the dictator stature which he does not deserve, and which certainly confuses the people of Cuba who want their liberty. It certainly is not in keeping with our policy. The very able Senator from Iowa has said he thinks the Cuban Government is Communist operated. He does not know whether it is operated in concert with the Soviet Union. I do not know, either. I am sure he does not care. But it is a government he does not like. If we have withdrawn our Ambassador, what earthly good can be done by sending him back to the kind of government which the Senator has described as he has?

Mr. HICKENLOOPER. May I correct an apparent misapprehension? I evidently did not make myself clear. I realize that under certain circumstances we might create either a sense of futility on the part of the Cuban people or make a hero of Castro in the eyes of the Cuban people.

I did not mean that at all. What I meant to say was that if we center our activities so much on Castro that we in effect do irreparable damage to the Cuban people at some time in the future, it would be a mistake. I think we should temper our action, with full realization and full vigor, against the unacceptable activities and irresponsible activities of this fellow Castro and his henchmen. I think we should center on that problem but we should keep our perspective, so that, in effect, in order to cure a cold we do not cut off our heads. We should not, in going after Mr. Castro, do unwarranted damage to the Cuban people themselves.

Mr. SMATHERS. I agree with the Senator on that point. I think we have conducted ourselves with restraint so far. We have taken no action. We have not even defended ourselves. We have listened to the abuse night after night and day after day. We have tried to stop any aid going to those who would defect from Castro. We have even taken the citizenship rights away from American citizens because they indicated some willingness to overthrow Castro. I shall talk about that at a later date.

Mr. President, we have done everything with restraint. I will say to the Senator from Iowa, I had printed in the RECORD last week an article from the Wall Street Journal. I think it was a very thorough article. It discussed how the people of Cuba themselves, in their efforts to get rid of this new dictator, are willing to encounter a little trouble. The people of Cuba know they will have to go "through the wringer" sometime or other.

What will happen if we continue this kind of a sugar quota and let this fellow get $400 million? What will he do with that money? He announced the other day that he had 25,000 new Belgian rifles. That is more than the NATO organization has. What does he do with these things, Mr. President? He uses them for control of the people over whom he rules.

Are we going to continue to give Castro money so that he can continue to use it for arms and munitions? That does not make sense.

Apparently most of us agree that this fellow is bad and that he "ought to go." Why should we support him with money, with cash, or with the intangible support of sending an Ambassador to Cuba, so that Castro can prate and brag to the world, "I brought the United States to its knees by abusing it. I had them send that man back even though I kicked them in the face. They are afraid of me."

Mr. President, every person in Latin America who does not like dictators and who wants to get rid of dictators is discouraged by this kind of action. We are,

in fact, giving aid and comfort to a dictator, and are doing it in a fashion which will set us back for generations in our efforts in Latin America.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. BENNETT subsequently said: Mr. President, earlier today there was a long, sustained colloquy, during the morning hour, about our proper relations with the Government of Cuba. In the course of that colloquy the Senator from Illinois [Mr. DIRKSEN] tried to remember certain passages from a certain treaty. I have been able to get a copy of the treaty, and I ask unanimous consent that before the end of that colloquy this reference be included in the RECORD. I refer to the Charter of the Organization of American States, particularly chapter III, article 15 and 16. Article 15 reads:

ARTICLE 15

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

Article 16 provides:

ARTICLE 16

No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind.

Mr. COOPER subsequently said: Mr. President, I have been very much interested in the comments made on Cuba. They were made by Members of the Senate who have intimate knowledge of our involved relations with Cuba.

I believe, considering the delicate negotiations which have been taking place between the United States and the countries of Latin America and the attempted negotiations with Cuba, that as long as these negotiations are going forward, and until we are called upon to vote upon the sugar issue, it might be best that comments upon Mr. Castro's fulminations be limited as much as possible. I know that the people of the United States have been surprised, disappointed, and have felt deep sorrow about the occurrences in Cuba. This is particularly saddening because of historical association and our friendly relations with the people of Cuba.

I agree with the distinguished Senator from Iowa [Mr. HICKENLOOPER] that while we are concerned with Mr. Castro's actions, larger issues are involved—our ultimate relations with the Cuban people, as distinguished from Mr. Castro, and our relations with the peoples of the Latin American countries, for they are our oldest and best friends.

Our country is a great country. We can afford to be a great country in dealing with Mr. Castro's government. I believe the President of the United States will set forth clearly our policy toward Cuba. When he does so, I have no doubt that it will be a policy tempered with reason and forbearance. I have confidence that in a choice between the statements of Mr. Castro and the reasonable policy of forbearance and dignity expressed by President Eisenhower, the people of Latin America and the people of the world will believe President Eisenhower.

It is my own belief that for at least a year there should be no change in our sugar policy toward Cuba, even though there is provocation for making a change. If we should make a change now, the people of Cuba and the people of Latin America, whatever their views toward Castro, may be led to believe that it is an act of economic pressure on the part of the United States, made for political reasons. In a year's time, we will know more clearly Mr. Castro's position.

I agree with the position taken by the distinguished Senator from Iowa [Mr. HICKENLOOPER].

Mr. DIRKSEN. Mr. President, I asked unanimous consent to have printed as a part of the discussion the pertinent sections of the Charter of the Organization of American States, in the course of the rather long colloquy which was initiated by the distinguished Senator from Florida [Mr. SMATHERS], which sections were alluded to and which might have some bearing on the discussion.

The pertinent sections are sections 15 and 16 of part 1, chapter I; but in order to make certain that no one will feel that anything has been lifted out of context, I think that in the public interest, and because the matter will be discussed further both in the Senate and the House, the entire charter, including the signatures, should be made a part of the RECORD at this point. That would start on page 5 of the charter, as is set forth in the message to Congress from the President on January 13, 1949, down to and including the signatures on page 26.

I ask unanimous consent that the matter be included as a part of the colloquy.

There being no objection, the Charter of the Organization of American States was ordered to be printed in the RECORD, as follows:

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

PART ONE

Chapter I

Nature and Purposes

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

All American States that ratify the present Charter are Members of the Organization.

Article 3

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those States in the event of aggression;

(d) To seek the solution of political juridical and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social, and cultural development.

Chapter II

Principles

Article 5

The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

Fundamental Rights and Duties of States

Article 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 8

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 9

The political existence of the State is independent of recognition by other States.

Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 10

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 11

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 12

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 15

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Article 16

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

Chapter IV

Pacific Settlement of Disputes

Article 20

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter V

Collective Security

Article 24

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VI

Economic Standards

Article 26

The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27

If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

Chapter VII

Social Standards

Article 28

The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29

The Member States agree upon the desirability of developing their social legislation on the following bases:

a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

Chapter VIII

Cultural Standards

Article 30

The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Article 31

With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

PART TWO

Chapter IX

The Organs

Article 32

The Organization of American States accomplishes its purposes by means of:

(a) The Inter-American Conference;

(b) The Meeting of Consultation of Ministers of Foreign Affairs;

(c) The Council;

(d) The Pan American Union;

(e) The Specialized Conferences; and

(f) The Specialized Organizations.

Chapter X

The Inter-American Conference

Article 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Article 34

All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Article 35

The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Article 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Article 37

Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Chapter XI

The Meeting of Consultation of Ministers of Foreign Affairs

Article 39

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 40

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41

The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Article 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 46

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 47

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XII

The Council

Article 48

The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Article 49

The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50

The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 51

The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Article 52

The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Article 53

It is also the duty of the Council:

(a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

Article 54

The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55

The Council shall formulate its own regulations.

Article 56

The Council shall function at the seat of the Pan American Union.

Article 57

The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Article 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59

The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Article 60

The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

(A) The Inter-American Economic and Social Council

Article 63

The Inter-American Economics and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Article 64

To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;

(b) Act as coordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any Member State;

(d) Assemble and prepare reports on economic and social matters for the use of the Member States;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Article 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

(B) The Inter-American Council of Jurists

Article 67

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the

legislation of the various American countries, insofar as it may appear desirable.

Article 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

Article 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71

The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

(C) The Inter-American Cultural Council

Article 73

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Article 74

To this end the principal functions of the Council shall be:

(a) To sponsor inter-American cultural activities;

(b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;

(c) To promote the adoption of basic educational programs adapted to the need of all population groups in the American countries;

(d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;

(e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;

(f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;

(g) To encourage the education of the peoples for harmonious international relations;

(h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

Chapter XIII

The Pan American Union

Article 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Article 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Article 83

The Pan American Union shall also perform the following functions:

(a) Transmit ex officio to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Article 84

It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85

There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Article 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

Article 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Article 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90

Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and

the personnel, and not to seek to influence them in the discharge of their duties.

Article 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92

The seat of the Pan American Union is the city of Washington.

Chapter XIV

The Specialized Conferences

Article 93

The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Article 94

The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

Chapter XV

The Specialized Organizations

Article 95

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 96

The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

Article 97

The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Article 98

The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99

Agreements between the Council and the Specialized Organizations contemplated in paragraph c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101

In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

PART THREE

Chapter XVI

The United Nations

Article 102

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XVII

Miscellaneous Provisions

Article 103

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104

The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 107

The Organization of American States does not recognize any restrictions on the eligibility of men and women to participate in th activities of the various Organs and to hold positions therein.

Chapter XVIII

Ratification and Entry Into Force

Article 108

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Article 109

The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 110

The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111

Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Article 112

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union received a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

In witness whereof the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

For Honduras:
M. A. BATRES
RAMÓN E. CRUZ
VIRGILIO R. GÁLVEZ
30 de abril de 1948

For Guatemala:
L. CARDOZA Y ARAGÓN
J. L. MENDOZA
VIRGILIO RODRÍGUEZ BETETA
M. NORIEGA M.
JOSÉ M. SARAVIA
30 de abril de 1948

For Chile:
J. HERNÁNDEZ
E. BARROS JARPA
W. MULLER
JULIO BARRENECHEA
D. BASSI
J. RAMÓN GUTIÉRREZ
RODRIGO GONZÁLEZ
GASPAR MORA SOTOMAYOR
30 de abril de 1948

For Uruguay:
DARDO REGULES
PEDRO CHOUHY TERRA
JUAN F. GUICHÓN
HÉCTOR A. GRAUERT
GEN. PEDRO SICCO
R. PÍRIZ COELHO
NILO BERCHESI
ARIOSTO D. GONZÁLEZ
BLANCA MIERES DE BOTTO
CARLOS MANINI RÍOS
30 de abril de 1948

For Cuba:
O. GANS Y M.
ERNESTO DIHIGO
CARLOS TABERNILLA
RICARDO SARABASA
GUY PÉREZ CISNEROS
E. PANDO
30 de abril de 1948

For the United States of America:
NORMAN ARMOUR
WILLARD L. BEAULAC
WILLIAM D. PAWLEY
WALTER J. DONNELLY
PAUL C. DANIELS
30 de abril de 1948

For the Dominican Republic:
ARTURO DESPRADEL
MINERVA BERNARDINO
TEMÍSTOCLES MESSINA
JOAQUÍN BALAGUER
E. RODRÍGUES DEMORIZI
HÉCTOR INCHÁUSTEGUI
30 de abril de 1948

For Bolivia:
J. PAZ CAMPERO
E. MONTES Y M.
HUMBERTO LINARES
H. PALZA
A. ALEXANDER
30 de abril de 1948

For Peru:
A. REVOREDO I.
V. A. BELAÚNDE
LUIS FERNÁN CISNEROS
JUAN BAUTISTA DE LAVALLE
G. N. DE ARÁMBURU
LUIS ECHECOPAR GARCÍA
E. REBAGLIATI
30 de abril de 1948

For Nicaragua:
LUIS MANUEL DEBAYLE
GUILLERMO SEVILLA SACASA
MODESTO VALLE
JESÚS SÁNCHEZ
DIEGO M. CHAMORRO
30 de abril de 1948

For Mexico:
J. TORRES BODET
R. CÓRDOVA
LUIS QUINTANILLA
JOSÉ M. ORTIZ TIRADO
J. CAMPOS ORTIZ
J. GOROSTIZA
E. VILLASEÑOR
G. RAMOS MILLÁN
J. LÓPEZ B.
M. SÁNCHEZ CUÉN
E. ENRÍQUEZ
MARIO DE LA CUEVA
F. A. URSÚA
30 de abril de 1948

For Panama:
MARIO DE DIEGO
ROBERTO JIMÉNEZ
R. J. ALFARO
EDUARDO A. CHIARI
30 de abril de 1948

For El Salvador:
HÉCTOR DAVID CASTRO
H. ESCOBAR SERRANO
JOAQUÍN GUILLÉN RIVAS
ROBERTO E. CANESSA
30 de abril de 1948

For Paraguay:
CÉSAR A. VASCONSELLOS
AUGUSTO SALDÍVAR
30 de abril de 1948

For Costa Rica:
EMILIO VALVERDE
ROLANDO BLANCO
JOSÉ MIRANDA
30 de abril de 1948

For Ecuador:
A. PARRA V.
HOMERO VITERI L.
P. JARAMILLO A.
GEN. L. LARREA A.
ALBERTO PUIG AROSEMENA
H. GARCÍA ORTIZ
B. PERALTA P.
30 de abril de 1948

For Brasil:
JOÃO NEVES DA FONTOURA
ARTHUR FERREIRA DOS SANTOS
GABRIEL DE REZENDE PASSOS
ELMANO GOMES CARDIM
JOÃO HENRIQUE SAMPAIO VIERA DA SILVA
A CAMILLO DE OLIVEIRA
JORGE FELIPPE KAFURI
ERNESTO DE ARAÚJO
30 de abril de 1948

For Haiti:
GUSTAVE LARAQUE
J. L. DEJEAN
30 de abril de 1948

For Venezuela:
RÓMULO BETANCOURT
LUIS LANDER
JOSÉ RAFAEL POCATERRA
MARIANO PICÓN SALAS
30 de abril de 1948

For the Argentine Republic:
ENRIQUE COROMINAS
PASCUAL LA ROSA
PEDRO JUAN VIGNALE
SAVERIO S. VALENTI
R. A. ARES
30 de abril de 1948

For Colombia:
EDUARDO ZULETA ANGEL
CARLOS LOZANO Y LOZANO
DOMINGO ESGUERRA
SILVIO VILLEGAS
LUIS LÓPEZ DE MESA
JORGE SOTO DEL CORRAL
CARLOS ARANGO VÉLEZ
MIGUEL JIMÉNEZ LÓPEZ
AUGUSTO RAMÍREZ MORENO
CIPRIANO RESTREPO JARAMILLO
ANTONIO ROCHA

I hereby certify that the foregoing document is a true and faithful copy of the authentic texts in English, French, Portuguese and Spanish, of the Charter of the Organization of American States, signed at the Ninth International Conference of American States, held at Bogotá, Colombia, from March 30 to May 2, 1948, and that these texts have been duly examined for purposes of coordination by the Special Commission appointed to that end by the Council of the Organization of American States.

WASHINGTON, D.C., September 30, 1948.

WILLIAM MANGER,
Secretary of the Council of the Organization of American States.

Mr. KEATING. Mr. President, I want to speak only briefly on this matter. The subcommittee on Internal Security of the Committee on the Judiciary, of which I am a member, has been holding extensive hearings, in regard to the situation in Cuba. If a hostile—and especially a Communist—regime establishes a beachhead 90 miles from our own shores, that certainly is a matter affecting the internal security of this country. I commend the Senator from Florida for bringing this matter before the Senate.

No one has been more critical of Mr. Castro in public and in private than I. However, I think it is very easy to oversimplify the problem. I have been interested in, looked into, and studied, this subject as much as anyone, I believe. I confess that at this moment my own thinking on it has not completely jelled. I am not in complete agreement that all the other Latin American countries would commend us if we "cracked down" on Cuba.

Castro is clearly a dictator. But we must think of our relations with the Cuban people, not with this one dictator.

Our hearings have been held, for the most part, in executive session. However, it can be said that there has been a difference of opinion among those who have testified, most of whom are escapees from this tyranny which is going on in Cuba, as to whether this is a Communist regime, a Communist-tainted regime, a Communist-infiltrated regime, or exactly what it is. One fact is clear, however, and that is that elements of the Communist movement have taken high position in Cuba.

It seems to me that it is not necessarily any further recognition of the regime to have our Ambassador, who has been to the United States for consultation, return to Cuba again.

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

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 minute more on this subject.

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

Mr. KEATING. Mr. President, I am not convinced this would have a detrimental effect on us and our relations with other Latin American countries, as the Senator from Florida has indicated. At the present moment the other Latin nations are extremely cool to Cuba, and they believe that Castro and the fanatical men around him have embarked on a wild, senseless adventure. We do not want to take any action which would lead these other nations to regard Castro as a martyr. I would counsel great caution in dealing with the problem. I think it is a time for very cool heads and calm thinking in the face of the very definite provocation which this tyrant is visiting upon us.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

CATHOLIC UNIVERSITY STUDENTS SPEAK OUT FOR EQUALITY

Mr. KEATING. Mr. President, I was pleased yesterday to receive from student representatives from Catholic University an eloquent and strong resolution supporting the American principle of equality. In reaffirming their belief that "discrimination based on the accidental fact of race or color cannot be reconciled with the truth that God has created all men with equal rights and equal dignity," the students of this fine institution buttressed the firm statement on discrimination adopted in 1958 by members of the administrative board of the National Catholic Welfare Conference, in the name of the bishops of the United States. A copy of this message was also delivered to me yesterday by the student representatives.

Mr. President, the vigorous manner in which the undergraduates at Catholic University have backed the idea of equality before the law is most reassuring. It is an emphatic testimonial to the dedication of our young people to this cardinal principle of the American way of life. I was particularly impressed by the fact, as outlined by the student emissaries, that this statement was adopted by the undergraduate student council with but one dissenting vote.

This near-unanimity of opinion would be a good lesson for their elders to emulate. Emotionalism and deep-rooted prejudices must never blind Americans to the fact that, as this statement says, "The time must come when all men, regardless of race, will stand equal before their fellow men and before the law, as they now stand before their God."

By means of the proposed civil rights legislation now before Congress, by means of the activities of church leaders, by means of firm application of existing statutes, and by untiring efforts to cleanse the minds of men of bigotry and promote mutual understanding, we

can continue to move toward the goal of equality for all Americans. In this great crusade, the firm stand of our young people, as exemplified by the fine position outlined by the undergraduates at Catholic University, will be essential.

SCARCITY OF FUNDS AND HIGH INTEREST COSTS IN THE HOUSING INDUSTRY

Mr. BENNETT. Mr. President, over the recent months some Democratic Senators and other members of the Democratic Party, have tried to blame the administration for a scarcity of funds and high interest costs in the housing industry. The argument is that the administration's so-called tight-money policy is drying up the availability of funds for homebuilding, and is at the same time discouraging many prospective buyers because of high interest rates. In the same breath these individuals argue that the administration proposal to remove the interest ceiling on long-term Government bonds will drive rates even higher.

As reported in Wednesday's CONGRESSIONAL RECORD, the Senator from Pennsylvania [Mr. CLARK], urged the administration to "go out and talk to the homebuilders of the country and to lending institutions" concerning the scarcity of money. I suggest that the Senator from Pennsylvania and others seeking to block the removal of the interest ceiling talk to these same groups. If they do, they will find, much to their surprise, that these men feel that it is the ceiling on Government bonds that is at the root of their troubles. Just last Friday the National Association of Home Builders in its weekly Washington letter came out strongly in favor of the removal of that ceiling on the grounds that the current squeeze for housing is worse with the ceiling than without it. It recommended strong support for H.R. 10590, the compromise bill which would remove the ceiling. The homebuilders letter stated:

> If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely.

This is exactly the opposite picture to that which members of the opposition party have been painting.

I ask unanimous consent to have printed in the RECORD the full text of the letter of the National Association of Home Builders, signed by the association president, Martin L. Bartling, Jr.

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

WASHINGTON LETTER FROM THE PRESIDENT OF THE NATIONAL ASSOCIATION OF HOME BUILDERS OF THE UNITED STATES, WASHINGTON, D.C., MARCH 11, 1960

We must support H.R. 10590. It will permit the Treasury to refinance the Government debt without unduly invading mortgage funds. Passage will make possible a more stabilized debt management to the benefit of home buyers, builders, and the general public. Defeat could well mean tighter mortgage money and higher interest rates. Your help is needed at once.

Your national officers, executive committee, regional vice presidents and several NAHB past presidents attending meetings just concluded in Washington agreed unanimously that NAHB and the homebuilding industry have no choice but to endorse the bipartisan effort in the bill (H.R. 10590) recommended February 29 by the House Ways and Means Committee to aid the Government in its financing without repealing the statutory 4¼-percent ceiling on Government bonds having a maturity in excess of 5 years. We urge your strong support for passage by Congress of H.R. 10590 at the earliest possible date.

This bill has been urged by leaders in both parties as the most effective means of aiding the Treasury in its debt management under the existing statutory ceiling. Previously, President Eisenhower had called for removal of the ceiling as "imperative" and "fully consistent with the public interest." If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely. The purpose of this letter is to tell you briefly what H.R. 10590 would do and why it is so very important to us.

PROVISIONS OF H.R. 10590

First, the bill provides a series of limited adjustments to the 4¼-percent ceiling which will permit the Treasury to issue bonds in excess of 5 years and thus avoid future high-interest, short-term issues such as the "magic 5's" issue of last December which effectively took away large sums of mortgage money from savings banks, savings and loans and other mortgage lenders.

Secondly, without removing the 4¼-percent ceiling, the bill is designed to give the Secretary of the Treasury more flexibility in managing the public debt. It should enable him to economize in interest charges to the Government; to lessen the competition of Government financing with certain areas of private credit, and to cut down the inflationary effects of public borrowing. Needless to say, if he succeeds in all of these purposes it will greatly benefit mortgage financing and homebuilding.

Specifically, H.R. 10590 will provide the following:

1. Permit the Treasury to refund outstanding bonds in advance of their maturity by exchanging them for new bonds with longer terms. This is called "advance refunding" and is especially important in refinancing currently outstanding long-term Government bonds which will mature in the next few years. Under H.R. 10590, any discount at which the new bonds might be issued will not be counted in applying the 4¼-percent limit.

2. Upon a finding by the President of the United States that the national interest requires financing above the 4¼-percent limit, the bill also would permit the Treasury in any fiscal year to issue new bonds up to a total of 2 percent of the public debt. This, in effect, is an "escape valve" for the whole Government financing structure. To the extent the authority is not used during fiscal 1961, it would be carried forward for use during the next 2 fiscal years.

3. Also upon a finding by the President that the national interest requires the action, the bill would authorize the Treasury to provide special issues of U.S. securities to Government trust funds and also savings bonds at rates in excess of the 4¼-percent limit. This provision is expected to be noncontroversial.

THE BILL HAS BIPARTISAN SUPPORT

Influential Democratic leaders in the House of Representatives urge passage of this bill as an effective way of meeting the urgent request of President Eisenhower and the Secretary of the Treasury. The bill was reported favorably in a bipartisan 18-to-7 vote from the House Ways and Means Committee. It should be on the House floor for debate and voting within the next 2 weeks. This is the crucial time therefore to advise your Congressmen.

Although the Treasury and the President have asked for complete removal of the bond interest-rate ceiling, the Secretary of the Treasury has testified that the financing permitted by this bill "is adequate" to provide for the Treasury's needs in the foreseeable future.

The Ways and Means Committee report emphasized that "retaining the interest-rate ceiling without modification would not reduce the level of interest rates either for the Government or for private borrowers. However, not to modify the interest-rate ceiling would raise the cost of financing the public debt and, at the same time, would make the management of the debt more difficult."

Despite these well-considered conclusions, it is clear that the proposed legislation faces rough sledding in the House and perhaps later in the Senate. It will be attacked on a partisan basis and by many who strongly protest, as do we, the tight-money and high-interest-rate policies of the Federal Reserve and other monetary authorities. We are convinced such an attack will be ill-founded; yet the vote is bound to be close and the bill will need our complete support if it is to pass the Congress.

WHY THE BILL IS IMPORTANT TO NAHB

Certainly in our own interests as homebuilders, we should realize fully the significance of this legislation to our industry. Expressed very simply, the tight-money policy and the resulting high level of interest rates have put the Treasury in a position where it must do virtually all of its financing in the short-term market. The rates it has been paying (and unless H.R. 10590 is passed, the rates it will probably have to pay in the future) are so high that the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit.

When short-term Treasury bonds are issued at an interest rate of 5 percent it is not difficult to understand why thousands of depositors in savings banks, savings and loans and banks line up to withdraw their deposits in order to buy short-term Government bonds which will net them more than the interest they have been getting on their deposits. If this trend continues it is bound to create serious problems for all builders, and particularly for a great number of our membership who rely on conventional loans for their mortgage commitments. Passage of H.R. 10590 will prevent this.

The bill's provisions will permit the Treasury to negotiate with these same financial institutions and exchange new long-term issues for bonds which will be maturing shortly. Further, the President's budget for the next fiscal year contemplates a surplus. This means the Treasury will not be in the market for new funds. In fact, for the first time in a long while the Treasury may be able to pay off some of the public debt. It is in the interest of the homebuilding industry that the Treasury be able to manage the public debt in a way which will not disrupt the long-term investment market in which we have so great a stake. Only passage of H.R. 10590 can make this possible.

The Treasury will be forced to go into the market this year to refinance some $80 billion worth of securities. If it can only go into the short-term market, we are bound to suffer severely. For this reason alone, all of us who have studied this admittedly complicated matter are convinced that we have no choice except to support the bipartisan effort in Congress to pass the Ways and Means Committee bill, H.R. 10590.

I should like to emphasize as strongly as I can that this conclusion in no way changes the basic policy position of this association in opposition to tight-money and high-interest rates. We deplore the disproportionate reliance of monetary authorities upon tight money and higher interest rates as primary means of combating inflation. It has been carried to the point where even the U.S. Treasury cannot manage the public debt on a sound and businesslike basis because of a statutory interest rate ceiling.

We shall do everything we can to convince the monetary and fiscal authorities in Government that the policies they have been pursuing for a number of years are responsible not only for our financing problems but for those of the Treasury as well. At the very least we hope to bring about a change in basic attitudes on this matter. In the meantime, the current crisis facing the Treasury must be relieved soon by passage of H.R. 10590. Otherwise, the Treasury's problems will make even more difficult the efforts of homebuilders to obtain the funds they need, at prices buyers and builders can afford, to finance the volume of homebuilding needed in this country.

CONGRESS MUST KNOW YOUR VIEWS

Every one of your elected Representatives and Senators finds himself in a difficult position on this legislation. Your views will be of vital importance to him in arriving at his decision to support or oppose this bill, H.R. 10590. Therefore, I urge you to communicate at once with your Representatives and Senators upon your receipt of this letter.

Your Congressmen should know that you and your industry support the passage of H.R. 10590 at the earliest possible date. Our reasons are simple. They are:

The Treasury's hands must be untied if we are to prevent an excessive drain of small depositors' funds out of the pool of mortgage money which supports our industry and into Treasury short-term obligations. Passage of H.R. 10590 will accomplish this.

Mortgage lenders must be able to plan their future commitments to builders with greater certainty of having funds available and without fear of being raided by Treasury financing. Passage of H.R. 10590 will contribute substantially to this.

Stability in the mortgage market requires stability in the general long-term investment market, which will be aided substantially if the Treasury is permitted to refund outstanding debt with new and longer term securities. Passage of H.R. 10590 will authorize this.

Congressional and administration leaders are convinced the public interest now demands that the Treasury be given greater flexibility in management of the public debt without removal of the statutory ceiling and Congressional control over maximum Government bond rates. We concur in this view.

The bill, H.R. 10590, is a sincere, well considered bipartisan effort to accomplish this objective in the national interest. It should be supported with the full vigor of the homebuilding industry. I urge that you advise your Congressmen at once of your views.

Sincerely.

MARTIN L. BARTLING, Jr.,
President.

Mr. BENNETT. If Senators will read this letter carefully, they will understand very clearly why those individuals who claim to be helping homebuilders by keeping a ceiling on long-term Government bond rates are in reality doing great harm to the homebuilding industry. The Treasury's financing activities under such a policy must unavoidably drain money out of the very institutions on which homebuilders must rely for mortgage credit. I urge every Member of Congress to read the NAHB letter.

In this connection, I ask to have printed in the RECORD a resolution passed by the National Association of Real Estate Boards last fall, in which they adopt this same position.

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

STATEMENT OF POLICY, 1960, NATIONAL ASSOCIATION OF REAL ESTATE BOARDS, ADOPTED NOVEMBER 12, 1959, TORONTO, CANADA

1. Remove the statutory interest rate ceiling on long-term Government bonds in order to reduce inflationary pressures and the impact of rising interest rates resulting from the Treasury's necessity for refunding the public debt through issuance of short-term obligations.

2. Require allocation of a portion of each year's Federal revenue to the reduction of the public debt to insure its systematic retirement.

3. Amend the 1946 Employment Act to give equal stress to price stability as well as maximum employment as primary objectives of national economic policy.

4. Require that loans and contractual obligations which ultimately become charges on the public debt be approved by the Appropriations Committees as well as legislative committees of both Houses of Congress.

Federal Reserve System: We deplore the widespread current misunderstanding and criticism to the effect that the Federal Reserve System has created the present tight-money condition. On the contrary, the Federal Reserve System has pursued a policy directed against inflation to the long-term benefits of not only the real estate industry but all segments of the American economy. We applaud these actions of the Federal Reserve System and urge its continued zealous regard for preserving the soundness of our monetary system.

FEDERAL HOUSING ADMINISTRATION

We congratulate the Federal Housing Administration on its 25th anniversary, and share with millions of American people a heartfelt appreciation for the great contribution which this agency has made to the principles of home ownership.

We urge the 86th Congress upon its reconvening in January 1960, to provide the FHA with insurance authorization on a continuing basis thereby avoiding any threatened reduction in its insuring activities.

We commend the Federal Housing Administration for its extension of the certified agency program to small communities on a national basis. We urge its early extension to the sale of existing housing in larger communities and metropolitan areas.

We strongly recommend that the Congress authorize the Federal Housing Administration to use up to 35 percent of its earnings from fees, charges, and insurance premiums for administrative expenses.

INDEPENDENT FEE APPRAISERS

The use of fee appraisers in connection with the processing of FHA mortgage insurance applications on existing homes and the certified agency program, with its use of fee appraisers, are making a material contribution to the existing house market and reflect a heartening recognition by FHA of private enterprise in the appraising of homes.

We recommend the support and cooperation of the American Institute of Real Estate Appraisers and the Society of Residential Appraisers in the development of an educational program which would be directed at: (1) Providing a source of qualified fee appraisers to meet the needs of an expanding certified agency program, and (2) maintaining a desirable degree of proficiency on the part of FHA fee appraisers and fee appraisers approved for the CAP program.

VETERANS' ADMINISTRATION

The expansion of the FHA certified agency program, coupled with the lowering of minimum downpayments and extension of maturities during the past years, make unnecessary the extension of the veterans' home loan program for World War II veterans beyond its present July 25, 1960, termination date.

We urge the Congress, pending the complete termination of the VA program, to authorize the Administrator of Veterans' Affairs to adjust the interest rate on such loans to the same extent as the FHA Commissioner may adjust such rates.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

We call upon FNMA in its secondary market operations to activate without further delay the two changes in its charter approved by the Congress in the 1959 Housing Act, to (1) increase the maximum mortgage eligible for purchase to $20,000 and (2) make advance standby commitments for the purchase of mortgages on existing housing.

Like the Federal Reserve Board, the Federal National Mortgage Association's secondary market operations should be within the executive branch but not under it. Its secondary market operations cannot function effectively unless it is divorced from the Housing and Home Finance Agency and freed from Treasury control in its public borrowings. Only then can FNMA serve the mortgage needs of the American people in the same manner and with the same degree of effectiveness that the Federal Reserve Board serves the commercial banking system. We urge the Congress to enact such legislation.

EXCESSIVE DISCOUNTS

We view the present state of the residential mortgage market as posing a great threat to the home-buying public and the national economy. We deplore the lack of restraint by those mortgage lenders whose insistence on unreasonably high discounts on residential mortgages reflects their anticipation of future tightening of the market rather than current conditions. The resulting spiral of rates and discounts is most apparent.

We call upon the lenders to exercise restraint in charging discounts and to impose only those discounts which actually reflect the current price of mortgage money in the area.

HOUSING FOR LOW INCOME FAMILIES

We commend the increasing efforts in private industry to provide good quality new and rehabilitated housing for families of low income, particularly in use of the FHA Section 221 program for families displaced from their residences by governmental action. We urge an increasing use of this program for expanding the extent of home ownership among families of low income.

For adequate housing of dependent families, we support direct assistance through local welfare agencies and existing State and Federal public assistance agencies. However, such direct assistance should be provided only with respect to shelter which meets the standards of an adequate modern housing code.

HOUSING FOR ELDERLY PERSONS

The growth of our population has directed increased attention to the housing needs of elderly persons. We urge member participation in section 231, added to the Federal Housing Administration programs by the Housing Act of 1959, which provides the means for financing the construction and acquisition of housing for elderly persons, without subsidy, and within the framework of private enterprise.

PUBLIC HOUSING

We commend the Administrator of the Housing and Home Finance Agency for his decision to launch a searching analysis and review of the public housing program and its failure to meet its much vaunted objectives of housing families of lowest income.

We commend to both the Administrator and the Congress consideration of the clear and unmistakable evidence that the social evils generated by public housing have aggravated rather than alleviated the economic and social problems which spawned the public housing program.

We call upon the Administration to exercise its constitutional executive discretion by declining to implement the recent action of the Congress authorizing an expansion of this program.

OMNIBUS HOUSING LEGISLATION

Annual omnibus housing bills distort the will of Congress by bringing about the enactment of controversial subsidy housing programs whose enactment would be unlikely were they to be considered separately. Such omnibus housing bills which generated the bitter legislative controversies in 1958 and 1959 constituted a disservice to the American people, who thereby suffered the enactment of costly, unpopular programs in order to keep alive programs essential to the national economy.

We urge the Congress to consider legislation affecting the statutory functions of each constituent agency of the Housing and Home Finance Agency as separate bills.

FEDERAL TAXATION

Retirement deductions for self-employed: We urge the U.S. Senate to take favorable action on the Smathers-Keogh-Simpson bill (H.R. 10) which was approved by an overwhelming majority of the House of Representatives. This legislation would permit self-employed persons to take certain tax deductions for investment in retirement funds.

Subchapter S: We recommend that subchapter S of the Internal Revenue Code be amended to repeal the restriction that a real estate corporation, more than 20 percent of whose income is attributable to rents, may not make an election not to be taxed as a corporation.

We also recommend that the holding of preferred stock by the FHA in project mortgagor corporations not be a bar to election not to be taxed as a corporation under subchapter S.

We oppose the legislative recommendations of the Treasury that stockholder-employees of electing corporations under subchapter S not be permitted to participate in tax deductible pension and profit-sharing plans if they own more than 5 percent of the stock of the electing corporation.

Capital gains for real estate dealers: Real estate dealers often fail to obtain capital gains tax treatment on property held for investment because of the difficulty in overcoming the presumption that all real estate held, and sold by dealers is primarily for sale in the ordinary course of business. The Federal Tax Code should be amended by establishing definite criteria, the fulfillment of which would make it certain that capital gains tax treatment would be permitted upon the disposition of real estate held by a dealer for his investment account.

Real estate investment trusts: Increased equity investment in real estate is vital to the growth of our economy. Real estate investment trusts enable small investors to put savings in real estate but Federal laws subject such trusts to corporate tax rates, thereby imposing a disproportionate burden on investments in real estate as distinguished from other forms of investment.

We urge Congress to enact the necessary legislation so that the passive income from real estate investment trusts may be accorded tax treatment comparable to that now applicable to income from security investment trusts.

Residential capital losses: Since the gain on the sale of a taxpayer's residence is taxable to the home owner, the Federal tax law should be amended so as to recognize losses as well.

Depreciation: The depreciation of income-producing real estate should be considered by the Treasury Department as a return of invested capital rather than as a means of replacing property upon the expiration of its useful life. The depreciation rate or period should be determined by the taxpayer.

If annual deductions for depreciation continue to be determined by the remaining useful life of the property, we recommend that such depreciation allowance be adjusted annually by the application of a cost index to reflect the current replacement cost of the improvements.

THE PUBLIC DOMAIN

Disposition of public lands: We urge a basic policy of retaining in the public domain lands that are clearly charged with a public interest, including parks, national monuments, and forests necessary for watershed protection and erosion control. With respect to public lands that now lie in the path of urban business, industrial, and residential development, and which are suitable for sound development to those purposes, we urge disposal to private ownership with reversionary rights to the Federal Government in the absence of private developments within a reasonable time.

Shoreline areas: We view with concern the pendency of Federal legislation providing for the condemnation of privately owned farms, business, residential, and resort properties for transfer to the national park system. Approval of these bills will establish a precedent which will threaten the concept of private ownership of shore properties. Federal condemnation authority for this purpose should be exercised with great restraint, and with due regard for the public interest already being served by private ownership.

URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION

The work of overcoming blight, squalor, and deterioration in older city areas is of paramount importance to the stability of urban centers and the health of local government.

Equitable public policy requires that federally assisted urban renewal programs seek the greatest possible extent of improvement to housing and neighborhood environment. This can be attained through a conservation emphasis in urban renewal giving the greatest feasible scope to the curative power of rehabilitation and modernization, and resorting to the more costly and slow moving process of total clearance with complete redevelopment only in those exceptional areas of extreme deterioration that will respond to no other treatment. We support the urban renewal program urging its administration under such a policy.

Specifically, we urge that conservation be given its full scope in urban renewal by formal policies that will require:

(1) Actual performance in the enforcement of a modern municipal ordinance containing health, safety, and sanitary standards for housing as a firm prerequisite to any measure of Federal cooperation in urban renewal.

(2) A system of processing applications for Federal assistance in proposed urban renewal projects that will give priority to those programs based predominantly on rehabilitation or conservation procedures.

Looking to the future, in order that cities may depend less upon Federal assistance in urban renewal, we urge that Congress gradually reduce the Federal portion of financing urban renewal costs.

BUILD AMERICA BETTER

We commend the Association's Build America Better Committee for the work it is doing to build a more adequate understanding of the importance of conservation and economic foresight in urban renewal programs; for its encouragement and tangible assistance to municipalities in establishing local neighborhood conservation programs to eliminate slums and blight; and for the special advisory service it provides to our member boards.

DISPOSITION OF GOVERNMENT SURPLUS PROPERTY

We applaud the action of the General Services Administration in its use of private real estate brokers in the disposition of Government-owned surplus industrial properties. We urge expansion of this program in the disposition of all surplus real estate.

ADVANCE FEE RACKET

We commend the Federal Trade Commission for its past and current efforts to suppress the so-called advance fee racket involving fraudulent representations in connection with the sale of real estate in interstate commerce, and we also commend the Senate Permanent Investigating Committee for its painstaking probe of this racket. We strongly urge the Department of Justice to assist these efforts to suppress this racket by diligent prosecution of its perpetrators under existing provisions of the United States Criminal Code.

POLITICAL PARTICIPATION

We urge upon individual members the acceptance of the citizenship responsibility of active participation in political activity of the member's choice. In no other way can we be assured of good government in the United States.

HOMEOWNERSHIP

Widespread homeownership is a distinguishing attribute of the American way of life, contributing to a high level of citizen responsibility, and providing the individual family with an aid to stability and saving.

The real estate profession will continue its efforts to put homeownership within reach of a wider range of family incomes. One force toward a greater extent of homeownership is the growing public esteem for it, and we urge all member boards to participate actively in the Association's annual buy a home—first program.

LICENSE LAWS

We urge that licensing of persons to engage in the practice of real estate be based upon uniformly high standards of business conduct and incorporate provisions that will justify States entering into agreements for reciprocal licensing of brokers and salesmen without the necessity of additional examinations.

We urge upon our State legislatures and license law officials the establishment of educational prerequisites for qualifications prior to examination.

We offer to State associations every cooperation in securing the adoption of real estate license law provisions consistent with the recommendations contained in the "pattern license law" as developed by this Association.

EDUCATION

To elevate the standards of our profession and our service to the public, we again urge real estate boards in States which have no educational requirements for licensing, to establish appropriate educational requirements for board membership.

Realtors should accept responsibility for encouraging full-time employment and "on the job" training of employees and salesmen.

We will continue to cooperate with universities, colleges, and other institutions of learning to improve the knowledge and capacity of our present and future members, and we encourage such institutions to continue to include the best qualified members of our profession as consultants or lecturers in order to provide the most effective program.

MEMBERSHIP DEVELOPMENT

Membership as a Realtor is a valued privilege and responsibility, to be jealously guarded by members and member boards alike. Membership should be open to all persons qualifying by character, training, and ability in accordance with standards determined by the individual board having jurisdiction.

PROFESSIONAL STANDARDS

Consistent adherence to high standards of professional conduct must be the practice of every Realtor. We recommend that every member board maintain ethics and arbitration committees charged with the duty of enforcing the Code of Ethics.

REAL ESTATE RESEARCH

The competence of Realtors is furthered by the development of information through technical studies in the field of real estate. Our own valuable work in current market studies should be expanded, and we urge continued cooperation between this Association, its institutes, and the Urban Land Institute in the development and financing of special research studies.

REALTOR PROMOTION

It is important that the public fully understand the meaning of the term Realtor as a designation applying only to active members of boards of our National Association who are committed to our Code of Ethics. We urge Realtors and member boards to promote the term Realtor, and to use the many aids for this purpose provided by the National Association of Real Estate Boards.

RESOLUTION OF THANKS

At the close of a memorable annual convention in Toronto, we express our thankful appreciation to James M. Udall, president of our Association, for his untiring efforts on behalf of the real estate profession, to our convention cochairman, Clifford W. Rogers, of Toronto, and Leonard P. Reaume, of Detroit, to the Toronto Real Estate Board and its convention committees, to the Ontario Provincial Association and the Canadian Association of Real Estate Boards, to the speakers and participants in our sessions, and to our competent staff for the careful planning and thoughtfulness that have contributed so largely to the success of our meeting.

We also express our appreciation of the fair and able manner in which press, radio, and television have reported our proceedings to the public.

Respectfully submitted.

NAREB Resolutions Committee: Fred C. Tucker, Jr., Indianapolis, Ind., Chairman; Benjamin F. Bermel, Minneapolis, Minn., Vice Chairman; Warren M. Atkinson, Indianapolis, Ind.; Arthur F. Bassett, Royal Oak, Mich.; William R. Blake, Flushing, Long Island, N.Y.; J. Beverly Brignac, Lafayette, La.; Alan L. Emlen, Philadelphia, Pa.; Arnold Goldsborough, Wilmington, Del.; A. A. Horsfeldt, Portland, Oreg.; D. W. Martin, Prescott, Ariz.; Sylvan M. Maxwell, North Miami, Fla.; Hugh Potter, Houston, Tex.; Percy E. Wagner, Oak Park, Ill.; Floyd Willey, Manchester, N.H.; Charles W. Williams, Albuquerque, N. Mex.

AMERICA'S DETERIORATING POSITION IN WORLD TRADE

Mr. MAGNUSON. Mr. President, last week I introduced a bill which sets forth a problem involved in the field of foreign commerce.

During the last session of Congress, our Committee on Interstate and Foreign Commerce began an intensive study of America's deteriorating position in world trade. I am sure that Senators are all well aware of the magnitude of this problem. During the past 2 years, the United States has lost many of its markets to foreign competition, while our imports have risen to their highest level ever.

In 1959 our country experienced one of the smallest surpluses in commodity trade in its history, which means another year of deficit financing to realize the millions of dollars which we are spending abroad in the form of military and economic aid, and to compensate for the millions more which flow overseas through private investment, shipping charges, personal remittances and the like. As a result of our failure to pay our way in the world by earnings from the export of American products abroad, the United States has suffered an unprecedented balance of payments deficit in the order of $3½ to $4 billion for the second consecutive year—a turn of events which can only lead to a further depletion of gold reserves and loss of international confidence in the dollar.

Realizing that the strength of our export trade is the foundation upon which America's economic leadership in the free world must be based, our committee has concentrated its study on discovering the specific areas where our sales abroad have faltered and why. We have been concerned to find what action this Government can most effectively take to stimulate foreign demand for American goods and services in order to bring foreign earnings back into balance with our expenditures abroad.

We proceeded down the line, commodity by commodity, and found that a part of the reason for our current trade deficit is that the United States is now buying more foreign iron and steel abroad than it sells, buying more passenger cars than it sells, buying more textile products than it sells, and so forth. Yet our net loss of dollars through the exchange of these products turned out to account for only a small fraction of the dramatically adverse tilt in our balance of payments. Then we made the discovery that the largest single factor in that imbalance does not arise from the exchange of goods at all, but from the exchange of people.

I have recently seen a document issued by the Department of Commerce entitled "U.S. Participation in International Travel." I heartily commend it to the attention of every Member of the Senate. You need only read the first page to know one of the main reasons why we have a balance of payments problem and to identify the one export market most deserving of our attention. One need not be an expert in international trade to know that a dollar spent for the purchase of foreign goods and services represents an import whether it is spent in the United States or outside of the country. By the same token, an export occurs whenever and wherever a foreigner purchases American goods and services. In 1958—the last year for which statistics are available—this pamphlet shows that American tourists spent almost $1,800 million abroad, making foreign tourism by far our largest single import. In 1958, Americans spent $150 million more on foreign tourism than on foreign oil, our largest commodity import, $600 million more than on coffee. In 1958, Americans spent more on foreign tourism than on foreign automobiles, foreign textiles, and foreign newsprint put together. In contrast to this, the combined expenditures of foreigners who visited the United States in 1958 were slightly more than one-half as much, making tourism stand a poor fourth among America's exports. As a result, the imbalance between America's international tourist expenditures and tourist receipts was a staggering $866 million—an amount equal to 25 percent of our Nation's balance of payments' deficit.

This net outflow of tourist dollars—the travel dollar gap—is nothing new, of course. Americans have always traveled abroad in larger numbers than foreigners who visit the United States. The important thing is that the gap has never been so large nor increased so fast. Since World War II, the volume of America's foreign trade, both imports and exports, has fluctuated up and down; our balance of payments position has varied from year to year. But the remarkable thing about this travel dollar gap is that, unlike the other elements in our total trade picture, it becomes consistently worse every year. In 1949 it amounted to only $360 million. By 1953 it had jumped to $477 million. In 1954 it reached $540 million, in 1955 it was $640 million, 1956, $751 million, 1957, $770 million, and in 1958 it had climbed to $866 million. At the present rate of increase, last year's loss of foreign exchange due to travel abroad will be periously close to $1 billion, and it will be double that within the next decade.

Why are we slipping further and further behind in the field of international travel? I believe that much of the answer to that question lies in the fact that we are almost the only country in the world which does not promote foreign tourism as a matter of national policy. Each year, foreign governments through their national tourist officers or through government-owned carriers, spend lavish amounts to lure tourists to their countries. Here are the figures: In 1958 Great Britain spent $2.8 million for the British Travel and Holidays Association; France spent $2.6 million on its Office of Tourism; India spent $1.5 million; New Zealand, $1.6 million; Russia, $500,000; even little Haiti spent $200,000 on tourist promotion. These are worldwide expenditures. The amount spent in the United States alone by all foreign government tourist offices was over $5 million in 1958. Add to this the huge

sums of money spent in advertising and promotion by such foreign government-owned carriers as Air France, BOAC, KLM, and so forth, and the total amount devoted directly and indirectly by foreign governments to luring Americans abroad every year would probably total well over $20 million. But Senators need not take my word for it. They need only to pick up the morning newspaper and count the number of foreign advertisements which proclaim the excitement of touring Europe in the know, the pleasure of an air-conditioned cruise to the West Indies and South America, and the fun of relaxing at a Nassau beach where the temperature is 80 degrees. One has only to scan the latest copy of one's favorite magazine to see why gourmets go to Europe in the spring. Let him turn on his local radio station and hear Charles Boyer invite him to enjoy the Paris theater with him. If laid end to end the amount of foreign government-subsidized travel literature appearing in the American press every day would probably stretch from here to the French Riviera and back. Considering the number and variety of such foreign travel inducements—reaching every home in America—it is easy to understand why the promotion of foreign travel is big business in most other countries. In many of these countries the national director of tourist promotion is a cabinet level position.

Foreign tourism is sometimes referred to as an "invisible export." I always wondered about that description until I examined what the United States is doing to encourage visitors from abroad. So far as its relation to our total world trade picture is concerned, the importance of tourism seems to have been completely invisible to our own Government. In contrast with the efforts of other nations it is fair to say that the United States does virtually nothing to encourage foreigners to travel here. Incredible as it seems, our national tourist promotion budget is only one-third what is spent by Haiti, for example. It is even less than what is spent by the Government of Singapore and only slightly more than what is spent by the island of Cyprus. The closest approach we make to a ministry of tourism is a small office buried far down in the lower echelons of the Department of Commerce, and even this group has only recently come into existence. At present, virtually the entire burden of promoting the United States internationally as a tourist goal must be shouldered by a handful of privately operated international carriers such as Pan American, TWA, and the United States Lines. Yet even these carriers must understandably direct their efforts toward selling their own services rather than promoting the United States as a travel destination.

I should say at this point that one small attempt was made by our Government to encourage foreign travel when President Eisenhower announced his visit-U.S.A.-1960 program. A high sounding proclamation was issued, committees were formed, letters were written—but not one nickel of money was appropriated to finance the promotional effort required if this program is to be a success. As a matter of fact, the President's announcement was accompanied by a 40 percent cut in the Department of Commerce's funds for the Office of International Travel, the office responsible for coordinating this program.

One would have to be deaf, dumb, and blind not to see some correlation between the massive efforts at tourist promotion made by foreign governments as compared with ours, and the ever-increasing flight of tourist dollars from the United States. If our Government is serious about righting its balance of payments, if we are really in earnest about stimulating American exports, then it is high time we did something to correct the greatest single gap in our balance of payments and shore up our most important export market. If the Government can afford to spend millions on promoting the sale of American commodities abroad through international trade fairs, commercial attaché services and other trade development work, then surely we can afford something more than pious words for the promotion of tourism.

Unlike the sale of an American automobile, a tractor, or a shipload of wheat abroad, which benefits only one American exporter, the foreign tourist provides a market which benefits scores of businesses in this country—the carriers, the hotel and restaurants, the dry cleaners, the bootblacks, and every one else with whom he comes into contact. But more important than this, the foreign tourist takes with him not only American goods and services, but a vivid and lasting impression of American life, American friendliness, and American good will. And these are the commodities we should most of all be concerned to export.

The type of program urgently required if we are to broadcast America's welcome to potential travelers throughout the world cannot be obtained without purposeful direction backed by adequate funds. This is something our foreign friends have known for years; but we need not look that far away. Our own 50 States are now spending a total of over $17 million per year in tourist promotion activities, and in many cases it is the most profitable investment a State can make. Based on their experience, it has been shown that the amount spent in bringing visitors into an area is returned many times over in the form of additional tax revenue resulting from tourist expenditures. On the national level, it has been estimated that $1 out of every $10 spent in the United States by foreign visitors flows into the Federal Treasury through various forms of taxation. Thus, in 1958 foreign visitors accounted for over $85 million in Federal revenue. An adequate national program for travel promotion could easily be conducted for a small percentage of this amount, and therefore would be completely self-supporting.

This type of program is called for in the legislation which I now introduce. The bill provides for the creation of a high-level Office of International Travel and Tourism which, for administrative purpose only, would be within the Department of Commerce. It would be headed by a Presidentially appointed Director and would have authority to establish branch offices overseas. The primary function of the Office as set forth in section 3 of the bill would be to develop, plan and carry out a comprehensive program, utilizing all appropriate media of public information and communication, designed to stimulate and encourage travel to the United States by the residents of foreign countries for the purpose of study, culture, recreation, business and other activities conducive to better international understanding of the people and institutions of the United States. In addition, the Office would inherit the various statistical and representational duties of the present Office of International Travel and would be the Government agency responsible for facilitating international travel generally.

I should stress here that it would be the chief purpose of the new Office to publicize the benefits and attractions of the United States generally as a travel destination, and not to support, supplement, or subsidize the self-interest advertising done by any component of the private U.S. travel industry. On the other hand, the Office would be prohibited from engaging in any activity in competition with private industry; it would not, for example, sell tickets, arrange tours, or provide other normally commercial services.

The Office would be assisted by a Travel Advisory Board composed of 12 members appointed from private life by the President, with the duty of recommending policies and programs to be followed by the Office in carrying out the purposes of the act.

In support of their functions the Office and Board would have an authorized budget equal to one-half of 1 percent of the amount spent in the United States by foreign visitors during the preceding calendar year, as determined by the Secretary of the Treasury—an amount equal to a mere one-twentieth of what these visitors contribute to the U.S. Treasury, as I have already explained.

In asking for support of this measure, I shall conclude by reminding Senators of these facts:

The travel dollar gap now accounts for a full 25 percent of the U.S. balance-of-payments deficit, yet foreign travel is the one "export" which we are doing nothing tangible to promote.

Foreign travel is the one export which offers a direct market benefit to the greatest number of Americans—down to the smallest businessman.

Foreign travel is the one export which provides a psychological as well as a monetary dividend to the United States.

Foreign travel is the one export which can be promoted on a self-supporting basis.

I think these are compelling reasons for making the real effort toward expanding our foreign travel market that is called for in this bill.

MUTUAL SECURITY PROPOSALS OF THE DEPARTMENT OF STATE—INDUS WATERS PROJECT

Mr. MAGNUSON. Mr. President, the mutual security proposals of the Department of State currently before our Con-

gress contain an item of great interest; namely, the Indus waters project. This project is significant both from its humanitarian intent, involving the future welfare of 40 million people who live in the Indus Basin, and because it promises the possibility of an early settlement of a major dispute which since 1947 has embittered the relations between India and Pakistan. This project is also significant for a third reason. It is a proposal which departs from our normal bilateral approach to foreign assistance and contemplates a cooperative multilateral effort to be taken with other friendly governments for the financing of this huge program.

The program itself has been conceived by the International Bank for Reconstruction and Development and would be administered by that agency. The cost of the project is estimated to be in the order of the equivalent of a billion dollars. The dollar value of the proposed U.S. contribution is $515 million, exclusive of our contribution as a member of the World Bank itself. This U.S. contribution would consist of $177 million in dollar grants, $103 million in dollar loans, and $235 million in local currencies. Other contributing nations are Australia, Canada, Germany, New Zealand, and the United Kingdom.

Implementation of the financial plan and the participation of the governments concerned is contingent upon ratification of a water treaty now under negotiation between India and Pakistan. Participation is also subject to such legislative action as may be required in each contributing country. Thus, the proposed mutual security legislation, in addition to seeking authority for the use of funds for this project, contains other provisions specified as necessary to facilitate participation on the part of the United States. It is one of these special provisions to which I would refer.

Section 404 of the bill contains a provision that such funds as may be appropriated "may be used in accordance with requirements, standards, or procedures established by the Bank, rather than with requirements, standards, or procedures concerning such matters set forth in this or other acts." Among the U.S. requirements which would be set aside are the provisions of the Cargo Preference Act. This would be accomplished by providing that funds appropriated for this Indus Basin project may "be used without regard to the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes." In this connection it has been reported to me that Hon. Douglas Dillon, testifying on this subject before the House Committee on Foreign Affairs, urged the waiver of this shipping clause in such terms as to imply that determination of the necessity for a waiver from the Cargo Preference Act has already been made.

This comes without Mr. Dillon appearing before any committee. It comes without any hearings on the subject, and would seem to me to imply that, despite the fact that our contribution in this particular case will run well over $515 million of a $1 billion project, exclusive of our contribution as a member of the Bank, there is not much intention of obtaining most of the supplies in the United States in cases in which that would be consistent with the project itself.

I can assure Senators that no one is more interested than I in the success of a project of this nature. At the same time I can assure you that no one is more concerned than I that such action might be taken on an arbitrary basis which would be detrimental to our workers and our industry. So far as I am aware, this proposed waiver of our shipping statutes has been put forward without any consultation with the agency of our Government most directly concerned with the state of our merchant marine, nor, so far as I am aware, have there been consultations concerning the necessity for such waiver as an incident to the success of the program.

A proposal of this nature creates a serious problem for the Congress. It has been our policy to require that whenever U.S. funds are contributed to programs for the assistance of foreign nations at least half of the material or commodities procured with such funds shall be transported on privately owned U.S.-flag commercial vessels.

It is appreciated that Mr. Dillon is concerned over the problems which may befall the International Bank in administering such a provision. This concern appears to center around the fact that U.S. funds would be comingled with the contributions of other nations and may be spent for procurement anywhere in the world. Is this not then the heart of the problem? Waiver from a requirement to transport a portion of the materials to be procured for this project must be sought because there is no assurance that any portion of such procurement will be made from the United States. We all know that our mutual security programs have provided jobs for U.S. workers as well as foreign assistance. It is a fact, however, that in recent years more and more of these funds have been used for procurement from foreign sources, and less and less spent in the United States. Was it not only a few months ago we awoke to find a deficit in our balance of foreign payments, and caution was urged by our fiscal guardians on this very subject?

It is now proposed under the terms of this legislation to waive any and all of such protective requirements as the Congress may have established as safeguards in the administration of its foreign assistance programs. Over one-half billion dollars of U.S. funds would be involved in this project. Are we to understand that as a contributor of more than half of all the funds to be used it would be improper, or detrimental to the project, to retain or apply any of the measures which have been found necessary in our own administration of foreign assistance? Is it necessary to this project to relinquish all control to the International Bank?

It is my hope that the Department of State will make a careful analysis of this situation to ascertain whether such assistance cannot, in fact, be accomplished without the necessity of such drastic waiver of our laws.

PERSECUTION OF BISHOP JAMES E. WALSH IN RED CHINA

Mr. BEALL. Mr. President, I rise to call the attention of the U.S. Senate to an atrocity of great magnitude. I have just learned through the Department of State that a so-called court in Red China has sentenced Bishop James E. Walsh to a term of 20 years in prison on trumped-up charges.

Bishop Walsh is a brother of the distinguished Judge William C. Walsh, of Cumberland, Md., and Father John Walsh, of the Maryknoll order. The bishop grew up in western Maryland.

This dedicated official of the Roman Catholic Church and a representative of the Catholic Foreign Mission Society is a victim of Communist terrorism. Some months ago, the news leaked through that Bishop Walsh had been arrested on charges that he was part of a revolutionary scheme against the Red regime. Bishop Walsh was in China as a missionary, concerned with the souls of the Chinese, not with politics.

Claims that Bishop Walsh was a tool of any government are fantastic. There is positive evidence that Bishop Walsh never had any connection with the American Government. When our consulates were there, he never once contacted them. He stayed away from national and international politics. His interest was solely in the religious life of the Chinese people.

His arrest was a shock to all of us who know him and to all right-thinking people everywhere. It had been hoped that the Red Chinese could be persuaded to release him. And now comes the dreadful news that they have condemned him to imprisonment for what likely amounts to a life term.

Bishop Walsh has given the best years of his life to the Chinese people. He could have left when the Reds came in, but he felt that his flock needed his moral support more than ever. Bishop Walsh chose to remain with the Chinese people whom he loved and for whom he had worked so diligently. It is sad that his self-sacrificing work for the Chinese people should be so miserably "rewarded."

The persecution of Catholic priests and nuns in Red China has been going on for years. Eighteen foreign Catholic priests have died of malnutrition while in the hands of their Red Chinese prison guards.

Here we have a horrible illustration of the methods of the Reds. They hate the church. They hate Christianity. And so, they strike out at a man who to them personifies the church.

I am not a Roman Catholic, I am a Protestant, but I want to say here and now that I for one have admired the firm stand the Roman Catholic church has taken against communism. It has never compromised with right. It has never wavered.

Mr. President, I hope that those people in this country who have been soft on communism and those who, while professing Christianity, have supported the deadly philosophy of godless communism will be unable to force from their minds the picture of this man of God suffering the torture of his dungeon.

If I felt that there was even an ounce of justice in the Red Chinese warlords, I would appeal to them to release this man who has never done anything worse to the Chinese than to comfort and console and counsel their people.

The atrocity of the Reds is here brought close to home.

ANNIVERSARY OF FOUNDING OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION — ADDRESS BY SENATOR OLIN D. JOHNSTON

Mr. SYMINGTON. Mr. President, the distinguished senior Senator from South Carolina [Mr. JOHNSTON] recently addressed the annual meeting of the National Rural Electric Cooperative Association in St. Louis, Mo. This meeting commemorated the 25th anniversary of the founding of the association. In his address Senator JOHNSTON pointed up the contrasts in his State and in our Nation between pre-REA days and the present. He spoke of what the REA program has meant to all our people, as well as to the farmers.

The Senator's speech also contained an illuminating discussion of the subject of interest rates and their effect on the American consumer.

I commend this address to the attention of all my colleagues.

Mr. President, I ask unanimous consent that the address by Senator JOHNSTON at the 18th annual meeting of the Rural Electric Cooperative Association on February 23, 1960, at St. Louis, Mo., be inserted at this point in the RECORD.

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

DON'T LET THEM PUT YOUR LIGHTS OUT

(Address of Senator OLIN D. JOHNSTON, Democrat of South Carolina, at the 18th annual meeting of the National Rural Electric Cooperative Association on Feb. 23, 1960, St. Louis, Mo., commemorating the 25th anniversary of the founding of the National Rural Electric Cooperative Association)

Distinguished ladies and gentlemen, I am deeply honored by the invitation to speak to you today. I know of no public occasion which would give greater pleasure than to be with the men and women who have sustained and who are maintaining the rural electrification program of our Nation.

My director from South Carolina, Bill Hunter, who is a native of Newberry, S.C., reminds me of the long haul we have had during the past 25 years, and more, to bring light to the farmers of America in an era of electricity.

I remember, when Hoover was President and I was campaigning for Governor of my State, how dark the times were and how dark the rural areas of my State were. I was traveling through Newberry County during this particular campaign and I stopped on the roadside. We had heard a lot about Mr. Hoover's promise that prosperity was just around the corner.

Bill Hunter was born in a town called Prosperity, and it just so happened that I stopped on the road right alongside a sign which said, "Prosperity." Politics will be politics. I stood up in the sunlight on that hill and, shading my eyes, I looked down the road to see if I could see the town of Prosperity around the corner. I knew if there was any "prosperity" in South Carolina under Hoover, it was only Bill Hunter's home town.

Some photographer took my picture and they spread it all over the countryside in the papers. As things turned out, the only prosperity South Carolinians had while Hoover was in office was Prosperity, S.C. The people must have remembered me and my picture along the roadside because it wasn't long after that they elected me Governor. That was in 1934. I know Mr. Hunter remembers those days.

One of the promises I made during the campaign was to do something to help our farmers obtain electricity. There had been all kinds of statements to the effect that it was not feasible to bring city electricity in any way to the farmers of our country. Of course, in most cases the only word that we had on the economics of the situation was the word of the big power companies. High financing was just something the average farmer could not delve into too deeply because he had no facilities or organization to help him.

As Governor of South Carolina I thought I could help, and so I went to Washington as governor-elect even before I took office. I had an idea President Roosevelt could help us bring electricity to the rural people of our Nation. Of course, I had South Carolina primarily in mind at the time. When I outlined to President Roosevelt South Carolina's case, he called in Harry Hopkins, his right-hand man at the time, and told him immediately to take the necessary steps to grant South Carolina $100,000. Roosevelt said if we would set up a State rural electrification agency, he would give South Carolina the money with which to conduct a survey and determine the feasibility and requirements of a rural electrification program. Simultaneously he said he thought it would be a good program for the Nation.

I went back to South Carolina and, with the help of the General Assembly, established a State Rural Electrification Administration. We received the $100,000 and made our study. Later in the year the Congress of the United States created the National Rural Electrification Administration. This was the beginning, and you know the rest of the story. Farmers mustered their strength and in the vacuum of need created rural electric cooperatives all over our Nation. Now, when I fly over the countryside it is no longer dark at night, for the farmers of my State and every other State in this Nation have electricity. The Nation's bright cities are linked with shimmering chains of lighted farms. What was once declared impossible by the powerful private power trusts today is an economic success story, second to none. The entire rural electrification program has been the greatest investment the Federal Government ever made in rural America. It is truly a cooperative program. The farmers, through these cooperatives, have created an electrical distribution system that is not only paying its way but is paying back the Government loans with interest.

There are about a thousand rural electric cooperatives that have paid back well over a billion dollars in principal and interest on loans made through the years. This is more than one-fourth of all the money loaned to all cooperatives in the entire history of the co-ops.

No program ever undertaken like this between the people and the Government has ever been so successful.

I only wish we had as little to grumble about concerning loans made to foreign nations during and after World Wars I and II as we do regarding the loans made to Rural Electric Cooperatives. We certainly would not have the national debt that we have today. There is not one politician in all of America, Republican or Democrat, who can blame 1 cent of the national debt on the rural electrification program in America.

With this thought in mind, I ask, in all sincerity, of all people in and out of politics who criticize the rural electrification program: Why do you want to turn the clock back and put the lights out in rural America with high interest rates?

When I made that trip to Washington in 1934, 97 percent of the farms in my State had no electricity. Today, in 1960, the 25th silver anniversary of the founding of the rural electric cooperatives of this Nation, I am proud to report that the picture is the reverse. More than 97 percent of South Carolina farms are receiving central station electric service.

I want to emphasize that in all the loans made to all the rural electric cooperatives throughout this Nation, there has never been the first ounce of scandal. No, not one Dixon-Yates deal in the 25 years of the rural electric programs. You know the kind of people who were mixed up in the Dixon-Yates deal and who are now running ads in national magazines pointing an accusing finger at the rural electric cooperative programs as being some sort of subsidy to the farmers? The same kind of people today have launched their latest attack against the rural electrification program in the form of an attempt to hike interest rates.

Completely overlooked in this attempt to raise the interest rates on loans to co-ops is the fact that in this era of inflation, the farmers' income has been deflated. Farmers' incomes have dropped almost a billion dollars a year ever since the present administration took office. The cost of living to the farmers in the form of goods and services they must buy and their production costs for running their farms has increased every year since Mr. Eisenhower took office. The administration on every hand has increased interest rates in practically every field where they thought they could get away with it. The most heinous statement yet to come from the Eisenhower administration was uttered by the President himself earlier this year when he said if there were to be any tax cuts that he would recommend they come to the high bracket boys, the industrialists, the manufacturers, the money lenders, and those who need a tax cut the least.

Can you imagine the President of the United States, on the one hand advocating tax cuts for the highest income group people in the world; and, on the other hand, advocating higher interest rates against the people who have suffered the most in an inflation-deflation squeeze economy?

I could have imagined such ridiculous economic figuring 30 years ago, but I never thought I would see the same situation arising again in one lifetime. To me, there is little difference between Hoover's predictions of prosperity just around the corner, and Eisenhower's promises of a halt to inflation just around the corner.

There is not one person in the whole crowd of criers for higher interest rates for rural electrification programs who has ever said one word about the high interest rates that the rural electric co-ops paid when the program was first started. The co-ops when first started, were paying practically the highest interest rates charged anyone for that day. Is there not to be some consideration of this fact?

Another thing: Every time some foreign country gets in a financial squeeze and can't make some loan repayment to the World Bank, or the United States, or some other branch of internationalism, we look down sorrowfully at our friends and say, "That is all right; we will put the loan off another year and lend you a few billion to help you along, and we'll also forget about the interest." I don't know how many times that has been done for some foreign country. But here we have our own people, the American farmers, in the worst economic squeeze in 30 years, and what does our Government want to do? Does it want to help them? Does it want to forget any of its loans? No, this Republican administration wants to make it even tougher for them by increasing the interest rates on their loans.

Knowing the farmers of this country as I do, I know they don't want their Government to forget these loans. They don't mind paying the interest rates they are paying. They are happy to do it, and proud to do it because they know that they are paying a fair return of an investment that all of America has made in the farming people of this Nation. If the truth were known, there is only a handful of people who seek to crucify the rural electric programs of America with high interest rates. The general public of America realizes what a great thing the Rural Electrification Administration has done for our economy and for the farmers of our country, and they don't want to scuttle this program.

The farmers are in a squeeze and those attempts to make the squeeze tight through high interest rates are unfair.

To the farmer it makes no difference whether a depression is cutting off his income, or monstrous inflation is eating up his income. He is in a squeeze either way, and any attempt to raise interest rates on co-op loans would surely result in a higher cost of living for the farmer. You just can't stop using electricity any more than you can stop eating. The good faith of the Federal Government is behind the rural electrification program, and it is time that big business woke up to the fact that in the long run, it is benefiting more from this program than are the farmers.

The people who lead the attack against co-ops are cutting off their nose to spite their face. There have been billions of dollars spent creating the electric lines, the utility poles, the switching stations, the generating plants, and the hundreds of thousands of other things needed to build and maintain co-op lines and central powerplants. All these things have been built by big business, and the co-ops have paid for them with hard-earned money. The Government didn't buy this material; the co-ops bought it.

Another thing overlooked by the uninformed enemies of the co-ops in this struggle for survival is the billions of dollars that have been spent by the individual farmers on electric irons, electric stoves, electric hot water heaters, electric toasters, electric hair dryers, air conditioners, and hundreds of other household appliances. Not one of these appliances would have been bought if it were not for the rural electric cooperatives which brought electricity to those farmers' homes.

I would hardly even attempt to expound on the billions of dollars spent by farmers in this Nation during the past 25 years for electrically operated machinery and equipment used in running our farms. The tremendous market that was exploded open by the creation of the rural electric cooperatives in America was a big help in the rejuvenation of industry after the depression.

Now I know I have been talking a great deal about the co-ops and their financial problems, or, I might say, threats against their financial stability. But then we are primarily concerned with the co-op program here today. We must look around us to see what to expect if the administration's drive for tight money and high interest rates succeeds.

Farmers, who represent most co-op members, always need credit to carry on their operations in every direction. Let's look at the record for a minute.

Nine days after Eisenhower took office, the Secretary of the Treasury sold Government securities at 2¼ percent or 2½ percent to replace the previous rate of 1⅞ percent. The increased rate might have sounded infinitesimal to the average citizen, but it added more than $30 million to the taxpayers' bill for repaying the public debt.

In 1952 it cost taxpayers $5.8 billion every year just to pay interest on the national debt. In 1960 it will cost us $8.6 billion. Approximately a 50-percent increase. What has caused this increase? Nothing but inflationary financing promoted by the present administration. Between now and 1961, the Treasury intends to borrow roughly $100 billion with which to pay off maturing bonds which were issued at the older lower rates of interest. Now each boost of one-fourth of 1 percent will add $250 million to the cost of carrying the debt each year. In 20 years it will add up to about $5 billion.

Last October the Treasury offered a 5-percent interest rate on a short-term issue. Compare this with the rate of approximately 2 percent that was in existence before Eisenhower's tight-money policy took hold. The difference, my friends, is the equivalent of $3 billion a year in interest on the books of the taxpayers of this Nation. Where is this money going? Why, it is going to the moneylenders, the people who are fighting to hike Rural Electrification Administration loan rates.

This type of financing has its effects on other debts. It helps to increase interest rates on the debts of not only the Federal Government but States, local, business, and consumer debts. If it were not for the fact that rural electric co-op loans are still fixed by law at 2 percent, the administration would probably be getting 4 to 6 percent from you today. They knew that the rural electrification program would be the hardest nut to crack in the drive to help the moneylenders increase their income on loans. So what did the administration do?

First it started pushing up the interest rates they would pay for money borrowed by the Government. It was not absolutely necessary to do this. They made plenty of excuses to hike interest rates, but I believe there were sufficient moneylenders in the country who were loyal enough to invest their money in the Nation's welfare at the then prevailing rates. There was never any subpena or concerted pressure on Eisenhower by the public to raise these interest rates. His requests for increasing these rates were voluntarily made. After the administration started hiking the rate of interest we would pay for money borrowed, then it started crying we would have to hike the rate of interest on money loaned by the Government in order to pay the higher interest rate the Government was paying on the original loans. Boosts were made in interest on loans for veterans' housing, and for Federal Housing Authority programs. Loans made through the Department of Agriculture in certain areas were increased and, in general, money has become scarce for farmers. The housing industry is in a bad way for lack of money resulting from high interest rates.

A homebuilder, before tight money, could have gotten a $10,000 Federal Housing Administration loan at 4 percent for 25 years. The same loan today requires 5¼-percent interest, which will amount to over $2,000 more in the cost of the home for which the homebuilder will get nothing. In some instances discounts are required which hike the tribute to the moneylenders by several hundred more dollars.

Before tight money, Farmers Home Administration loans were 3 percent. The administration hiked them to 5 percent. I fought this bitterly, and in one instance we achieved victory. By departmental order, the Agriculture Department raised the interest rate on emergency loans to farmers who had been wiped out by catastrophe from 3 to 5 percent. As a member of the Agriculture Committee in the Senate I introduced and successfully passed through Congress legislation requiring those loans to be set back to 3 percent. That, to my knowledge, is the only place where high interest rates were turned back.

I might add here that this interest rate hike was made without public notice and slapped on the farmers of the country during a time when farmers were suffering from drought and floods, and the peach farmers of my State from a terrible freeze. The Farm Credit Administration not long ago tried to get Congress to remove a 6-percent ceiling on loans made to farmers, but, as you may know, the effort failed.

The rural electric cooperatives today stand like an island in an ocean of inflationary financing. The floodwaters have been let in upon the lands of other programs to destroy the people's ability to build homes and finance crops and farm machinery. These financial floodwaters have similarly washed away savings accounts of millions of consumers, both city and rural in nature, and have now created the beginning of what amounts to a buyers' strike in many areas.

As we look around, we wonder who, if anyone, benefits at all from the vicious squeeze. No one benefits except the moneylenders. They, too, will lose if they continue on their insane drive for higher interest rates. When millions of people cannot buy homes, then millions of factories stop producing the requirements for constructing homes. It is in an evil cycle that eventually can put people out of work and can place the American economy in a depression posture.

It is predicted that in 1960 the volume of construction of homes in America will drop 12 percent simply because of tight money and high-interest rates. What does this mean? It simply means that 12 percent of the American population is going to be unable to buy a home because either the interest rate is too high or they just couldn't find the money to borrow. That is how high-interest rates and tight-money policies are affecting all Americans in just one field. If people are building less homes because of high interest rates and tight money, they will be buying less cars, less refrigerators, and less everything. When people buy less, the country must produce less; when we produce less, it means people work less; when people work less, they make less. When people make less, they pay less taxes; and when they pay less taxes, the Government must borrow more to keep going. Now we begin to see the picture of why the moneylenders don't seem to worry because tight money is taking a hold on the economy. The cycle means more borrowing at higher interest rates by the Government.

What is really behind the drive to increase rates against the rural electrification program?

Because the co-op loan program was written into law and cannot be changed by administrative action, it has become a symbol of resistance against high interest rates in the money world. The Rural Electrification Administration loan program is a thorn in the side of those who have promoted tight money and high-interest rates. It is a source of antagonism to Agriculture Department officials who have hiked hardship interest

rates on farmers; it is a point of departure from the smooth-operating high-interest rates imposed on housing loans by the present administration. It represents contrariness by a certain group of people to the moneylenders who have succeeded in raising their rate of income from every other group of Americans. The co-op program in truth has become the last remaining symbol of reasonable rates of interest on loans of any sort in this Nation.

This is one of the foremost reasons why the co-ops have now become the challenge to an amalgamation of enemies comprised of the tight-money policymakers in this administration, the moneylenders, and the utility monopolies who were enemies of the rural electrification program even before tight money and high interest.

The utility monopolies slipped into the fight for higher interest rates because it is the best current vantage from which they can attack the co-ops with effectiveness. They know that interest rates boosted high enough can ring the death knell of the rural electric cooperatives. The monopolists know that higher interest rates will make it tougher for cooperatives to be successful. They know that if interest rates go high enough, the cooperatives will have to raise their utility rates to members or go out of business.

Farmers, who are now caught in this economic squeeze, cannot pay higher rates. The co-ops, faced with delinquent members and dwindling income, would have to renege on note payments to the Government because of unbalanced budgets. It is then that high-interest rates would begin to put out your lights.

At the right moment, if the situation becomes grave enough, the monopolists, with help from the high-interest boys, would move in. With a burst of patriotic propaganda they would probably offer to buy up the bankrupt cooperatives "to help our Government."

Since cooperatives are thriving businesses, they would make a rich plum for anyone to gobble up in such a squeeze play under the present conditions. Of course, no one wants to pay the true value of the co-ops. The monopolists would probably offer to take up the cooperatives for whatever was owed the Government, raking in all equity as gravy.

With fee simple title in one pocket and unlimited utility rates in the other, the monopolists would walk off with 25 years of sweat, blood, and tears of millions of farmers as a net profit.

This is what could happen to you. This is how your lights could be turned off. Fantastic? No more fantastic than the situation you were in 25 years ago when you didn't have electricity. The attempts to drown the co-ops along with all the other programs that have been engulfed by high interest rates and tight money policies are becoming more numerous and come in ever-varying ways. Not long ago the President asked for blanket authority with which to change interest rates in any direction he wants. The administration is out to take away all authority Congress has over the financial policies of this country.

The Federal Government, by the stroke of the pen of the President or by his word passed on to the various executive branches, can change the market situation on any commodity. The Federal Government buys more of everything than anybody else in America. It uses more food, more steel, more automobiles, and more money than anybody else.

We cannot afford to give any administration blanket monopolistic powers to change the price of money. You are buying money when your Government borrows it, and the price it pays takes on the form of interest rates which you have to pay for in taxes.

To me, the loan program to the rural electric co-ops represents the last thing for us to hang onto if we are to turn back the tide of inflationary high-interest-rate policies. It may be a thorn in the side of those who want to monopolize their control over our economy, but to me, it is a crusade banner for all to follow who oppose high interest rates. You can mark me up as your first enlisted soldier in this fight, and I, for one, will carry your banner in the U.S. Senate. Each one of you here is a soldier enlisted in the cause of preserving our rural electric co-ops, and it is your duty to go home and talk and vote the way you feel about high-priced money. It is up to you, because there is no one in the White House who will fight your battles this day.

As you know, I am a partisan politician. I am a solid Democrat, and I could not talk to you sensibly about your cause without injecting some politics, because politics runs the country. If you are unhappy with the present policies toward the rural electric co-ops, then it is your duty to see to it that a different kind of administration is put in the White House in November. Whatever administration is elected to succeed Eisenhower, it will continue to be the tool of the high-interest-rate and tight-money policies if it is the same kind as the present. The faces of White House occupants may change, but their financial policies will not change so long as they are of the same breed which is now running things.

Don't let them put your lights out.

VISIT TO THE SENATE BY BRAZILIAN CONGRESSIONAL GROUP

Mr. SPARKMAN. Mr. President, it is my pleasure to present to the Senate some distinguished visitors who are now present in the Chamber. The group consists of seven members of the Parliament of the great Republic south of us, Brazil.

These seven gentlemen are in the United States for about a month to study public works, particularly river valley improvements, to see if they can find something of value to apply in their own country, in the great Sao Francisco Valley there.

It is my pleasure to introduce the following members of the delegation:

The Reverend Luiz Medeiros Neto, member of the Chamber of Deputies from Alagoas, and vice chairman, Sao Francisco Valley Committee, Social Democratic Party.

The Reverend Paulo Freire de Araujo, member of the Chamber of Deputies from Minas Gerais, Republican Party.

The Honorable Jose Passos Porto, member of the Chamber of Deputies from Sergipe, National Democratic Union.

The Honorable Edgard Agnello Pereira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Manoel Jose de Almeida, member of the Chamber of Deputies from Minas Gerais, Social Democratic Party.

The Honorable Oswaldo Ribeiro de Oliveira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Antonio Sylvia Cunha Bueno, member of the Chamber of Deputies from Sao Paulo, Social Democratic Party.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair would like to express to our distinguished visitors and colleagues from the great Republic of Brazil our honor and pleasure in having them visit us on this occasion. We know that this is their first visit, and that there will be many others to come. We wish to congratulate these honored guests wholeheartedly because we recognize them as great friends, and because we are fully aware of the outstanding friendship which has existed between our two great republics over many, many decades.

Mr. DIRKSEN. Mr. President, I wish to associate myself with the expressions of esteem and affection by the Chair for our colleagues from Brazil, a great country indeed and of amazing potentialities. It is in the interest, of course, not only of good fellowship but also of public relations that they should come here so soon after the visit of our distinguished President to Brazil. I join with the occupant of the chair in extending to these honored visitors the hand of fellowship and friendship from all of us.

LINCOLN BOYS' CHOIR OF LINCOLN, NEBR.

Mr. CURTIS. Mr. President, it is my happy pleasure to announce that we have visiting in Washington, D.C., today one of the outstanding musical organizations of the country, the Lincoln Boys' Choir of Lincoln, Nebr. They are directed by Mr. Hugh T. Rangder. I am sure the many music lovers in the Senate, as well as the other readers of the RECORD, will welcome their visit to Washington, D.C., today.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. 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 amendment offered by the senior Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] to strike out section 3 of the amendment proposed by the junior Senator from Illinois [Mr. DIRKSEN].

Mr. JOHNSON of Texas. Mr. President, I am informed that the Senator from Illinois [Mr. DOUGLAS] is en route to the Chamber, and that he expects to speak for about an hour on his amendment. Other Senators may desire to speak on that amendment. If so, I should like to have the aides of the Senate notify interested Senators that the amendment is about to be discussed.

The only other Senator who I understand desires to speak on the amendment is the minority leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], who will speak very briefly. Then a motion to table will be made. It is hoped that we may reach that point as early as possible; and after the vote has been taken, it is planned to have the Senate go over until Monday, if it has been possible to obtain a vote this afternoon.

How long does the distinguished minority leader expect to speak on the Douglas amendment?

Mr. DIRKSEN. Probably not more than 10 minutes at the most.

Mr. JOHNSON of Texas. Mr. President, if any other Senators desire to speak on the Douglas-Javits amendment, I should like to have them notified.

I shall suggest the absence of a quorum to enable the senior Senator from Illinois to come to the Chamber and offer his amendment. When the distinguished majority leader has had an opportunity to reply, it is hoped that it will be possible to make a motion to table the amendment at an early time this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHNSON of Texas. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the Douglas-Javits amendment to section 3 of the Dirksen substitute.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, let me thank the Chair for recognizing me.

In view of the statements which the Senator from Georgia made the other day, in implying that I had improperly taken the floor from him, let me now say that if any Senator from south of the Mason-Dixon line wishes to address the Chair at this time, I shall be very glad, indeed, to sit down and allow such Senator to proceed.

With the permission of the Chair, I should like to pause for a few seconds, to permit any Senator who wishes to claim the floor to do so.

I wonder whether someone will inform the cloakroom attendants that if there is in the cloakroom any Senator who wishes to speak, I shall be glad to yield to him.

Mr. HOLLAND. The Senator does not mind if, in going to the cloakroom, I stay there, does he? [Laughter.]

Mr. DOUGLAS. Not at all.

Mr. President, my good friend, the Senator from Florida, implied when he left, that he might remain in the cloakroom. Since he has had a chance to return and since he has not brought with him any Senator who wishes to claim the floor, I hope I shall not be regarded as being forward if I acknowledge the recognition the Presiding Officer has given to me and proceed to try to develop the argument.

Mr. President, I rise to explain the amendment which the Senator from New York [Mr. JAVITS] and I submitted last night as an amendment in the form or nature of a substitute for section 3 of the so-called Dirksen bill. Our amendment is the pending question.

AMENDMENT EMBODIES COMMISSION'S REGISTRAR PROPOSAL

In brief, the amendment adopts the main outlines of the recommendations of the President's Commission on Civil Rights—that there be administratively appointed Federal registrars who will serve as voting registrars or enrollment officers when it has been proved, through proper processes, that discrimination exists against a particular race or class in a given territorial division. But the amendment goes beyond the Commission's recommendation by applying this procedure to State as well as Federal elections.

Of course, the amendment is designed to deal with the disenfranchisement of Negroes in large sections of the South and the possible disenfranchisement of Mexican-Americans—or "Latinos," as they are sometimes called—in the Southwest, and any other cases of disenfranchisement because of race or color which may exist, wherever they may occur—whether in the North, the South, the East, or the West.

SUMMARY OF REGISTRAR AMENDMENT

First, I should like to explain what the amendment provides; and then I should like to comment on the superiority of this amendment to the so-called referee proposal. Thereafter, I wish to deal with certain of the impalpable objections which are urged against the amendment.

This amendment includes first an initial finding of fact by Congress itself—based upon the report of the Civil Rights Commission—that substantial numbers of citizens of the United States who are qualified to vote under State registration and election laws are being deprived of that right on account of their race or color; and one of the means of disqualification is set forth as being inadequate methods of registration and abuses in the registration process.

The amendment then provides that upon the petition of 50 citizens, from the same county, that they have been discriminated against, the President, either himself or acting through agents, may initiate an investigation to determine whether the complaints are well founded.

Mr. President, I think I should pause here, to say that this requirement is more severe than that imposed by the recommendation of the President's Commission on Civil Rights, which would require the petition of only nine citizens. This amendment requires a petition by 50 citizens from the same county.

The President or his agent is to investigate as to whether this race or class has been discriminated against; and if it is found that it has been discriminated against, the President is then authorized—although not necessarily directed—to appoint a registrar from among the Federal employees or officials who live in or near the county itself. Such registrars must in any case come from the same State.

It should be noted, therefore, that this proposal does not provide for the appointment of outside officials from territories other than the county in question or nearby counties, or from regions of the country other than the region involved.

The President, however, even after such petitions and a finding of discrimination, may hold back on the appointment of such a registrar if the State and local authorities give convincing proof that they intend to change the policies of discrimination which they have followed in the past. So that an opportunity is offered to the localities to purge themselves of the fact of discrimination if the President and his agency have found that such a practice exists.

If, however, such a change in policy is not followed, the President can appoint the administrative registrar, and he is to accept applications from all persons in the disenfranchised class. In practice, to get away from legal terms, this class would, in the south, be Negroes; in some cases in the southwest, Mexican-Americans; and if Puerto Ricans were discriminated against in New York, it would apply then to Puerto Ricans as well.

The registrar is merely to apply the qualifications required under State law. He is not to impose separate qualifications of his own; he is not to make the test easier for the applicants than for others—for the whites, for example; he is not to make the test more severe, but approximately equal.

Again, I want to emphasize that the qualification standards to be applied are those which prevail inside the State.

If the Negro applicant is found by the Federal registrar to be qualified, he is entitled to vote; and he shall be issued a certificate, and his name and others so registered shall be certified to the State officials.

I should emphasize here that the qualification of these voters applies under this amendment to State elections as well as to Federal elections. That is a second difference from the proposal of the President's Commission on Civil Rights, which in its recommendations limited the power of a Federal registrar to certify an applicant merely in Federal elections.

We believe that this proposal is thoroughly constitutional, because, as I have pointed out on the floor of the Senate repeatedly, the 15th amendment, as we all should know, provides that no State shall discriminate in the matter of voting against any person because of race, color, or previous condition of servitude; and the Congress has the power, by appropriate legislation, to enforce that provision.

The 15th amendment does not draw any distinction between State elections and Federal elections, and therefore the way is open, in my judgment, and in the judgment of competent lawyers, for the

protection to be extended to State elections under the 15th amendment.

But it should be noticed that there is in the amendment a basic finding of discrimination by Congress and there will have previously been a finding—in each case of appointing a registrar—by the President, as Chief Executive of the United States, on the basis of an investigation by an agency such as the Civil Rights Commission or a section in the Department of Justice to whom he has delegated such authority, that the 50 petitions have been in the main well founded, and that discrimination, on the basis of race or color, exists.

So that this essential constitutional test is met, though met by other bodies than a judicial body.

Of course, in any such proceeding as this, we should provide for the right of judicial review and the right of appeal from the decisions of the registrar. And so in the later sections of this amendment, notably on pages 5 and 6, there is a provision for appeal from the decisions of the registrar to the district court.

But it is provided that the hearing upon this matter shall be as expeditious as possible and give due consideration to the time of the next election. It is thus clearly implied that the hearing shall not be prolonged, if it is at all possible, beyond the election date, and that if it is prolonged beyond the election date, then the person who has been registered shall have the right to cast his vote, with the understanding, of course, that if a challenge is continued, the ballot, if the local election officials so desire, can be sequestered and handled later.

The ordinary procedure, though it is not precisely spelled out in this amendment, would be for the ballots which are thus challenged to be put inside individual envelopes; and if a given person were later disqualified by the court, that envelope could be destroyed, and it would not be known how the person in question had voted. If the right to vote were affirmed, then the envelope could be opened and the ballots could be mingled and counted, without individual identification.

And if voting machines were used, of course, the very simple procedure would be for the challenged voter to be given a paper ballot which he could use, so that it would be treated in the same manner as when the paper ballots were the sole means of voting.

In other words, although the right of judicial review is retained, and correctly so, the delays of the law cannot be used to prevent the challenged voter from voting and having his vote counted if he is later found qualified.

A final section of the amendment retains the present third section of the so-called Dirksen bill; namely, the preservation of the voting records.

I am very frank to say I think that section could be improved, because while it requires the retention of voting records, I am not certain it requires the original making of a voting record. It thus leaves an apparent loophole for States that may want to evade this requirement.

Mr. President, this may serve as a brief explanation of what the registrar provision actually encompasses.

WHY THE REGISTRAR PROPOSAL IS SUPERIOR TO THAT OF REFEREES

I think we should ask ourselves why this is appreciably better than the referee proposal of the Attorney General and the administration, which apparently is favored by both the leader of the Democratic Party and the leader of the Republican Party in this body.

We should bear in mind that what we are dealing with is a matter of systematic disfranchisement. There are probably some three and a half million Negroes in the South who would ordinarily be able to meet the specific tests of qualifications, who at present are barred in one form or another from registration and voting. While it is probably true that indifference and inertia, which are characteristics of all people, and perhaps especially so of people who have felt there was not much use in trying, anyway, would prevent a considerable number from trying to utilize the election machinery even under the most favorable circumstances, still I think it is conservative to say at least between 1 and 2 million people could be enfranchised if we could devise a proper system of registration.

Mr. President, I think the choice we have, if we agree that people do have the right to vote, is as to whether we shall have an effective system or an ineffective system. That is really the choice.

While I am discussing this subject I will say I do not intend to refight the old battle as to whether we should have a part III guaranteeing civil rights under the 14th amendment. I think this bill should have such a provision, but we proposed that, and although we received a sizable vote in support of the proposition it was defeated. I do not intend to raise that question any further, because the vote was quite decisive. There were our friends from the South voting solidly against it. The administration forces, with the exception of 10, voted solidly against it. The group known more or less as the majority leader's group voted against it. These three forces were sufficient to defeat the proposal. I think they would defeat any other proposal of a similar nature which might be advanced.

I think the responsibility for the defeat of the protection of civil rights under the 14th amendment is now clearly known—or at least it would be clearly known if the press were to do its job—and I shall not refight old battles.

We now have before us a voting rights provision, and the administration says it is anxious to have an effective voting rights provision. The minority leader says he is anxious to have an effective voting rights provision. The majority leader says he wants an effective voting rights provision. We Democratic liberals on this side of the aisle certainly want an effective voting rights provision. We would all seem to be in unanimity on this point. I have sometimes felt, from the overtures of our good friends from the South, they would not heatedly oppose a voting rights provision, provided it were ineffective.

Mr. President, I think the question is, What is the most effective measure we can get? The two main alternatives were mentioned by the Senator from New York last night in his able summary. First, there is the registrar method, which I have previously described. Second, there is the referee method of the Attorney General, now supported by the administration and by the majority leader of the Democratic Party in this body—at least, I imagine it is supported by the majority leader of the Democratic Party in this body.

On Tuesday I tried to indicate at some length and in some detail the vital weaknesses which are necessarily contained within the referee provision.

Yesterday in the colloquy with the Senator from Pennsylvania [Mr. CLARK] this was developed again by means of a series of questions, as was shown from pages 5880 to 5888 of the RECORD.

I hope that my colleagues who are too busy to come to the floor and listen to the discussion may at least have sufficient leisure over the weekend to read these pages in the CONGRESSIONAL RECORD, because I think they indicate pretty clearly what the vital weaknesses are in the referee plan.

In general, the judicial proceeding the Attorney General and the majority leader and minority leader are advocating involves great delays—great delays—which will make it extremely difficult to have cases decided before the election takes place, delays which will tire out and weary a very large proportion of the applicants themselves.

Second, the method permits a great deal of discouragement and intimidation to operate against the Negroes who are trying to establish their right to vote, with a minimum of judicial protection being accorded to them.

The effect of all this, Mr. President, would inevitably be that only a small and minute fraction of the some millions who are now disfranchised would, in my judgment, be enabled to be registered under the plan. Therefore, it is an ineffective proposal.

While the steps involved in the referee plan have been outlined in the previous discussion, I think it is appropriate to remember that Dr. Samuel Johnson once said, "Men need not so much to be informed as to be reminded."

I hope, therefore, this assemblage of Senators will excuse me if I inform them once again as to what are the specific features of delay and discouragement which the referee system necessarily entails.

INEVITABLE DELAY UNDER REFEREE PLAN

In the first place, there must be an initial judicial finding that a pattern or a practice of discrimination actually exists. This would involve not merely complaints from individuals, but it would also require a judicial process itself. This would, of course, permit full legal opportunities for those who do not wish Negroes to be registered and vote, or who do not wish Mexican Americans to

be registered and vote, to be present, to contest the ruling in every way, and to resort to such dilatory or evasive tactics as they might choose.

The applicant or applicants for the court injunction and finding would initially be required to prove that a pattern or practice of discrimination actually existed. Discrimination inevitably involves a comparison. Are Negroes, for example, more discriminated against than white applicants? They would have to establish a benchmark to show how white applicants were treated before they could establish that Negro applicants were treated more severely.

They would have to prove that there was a disparity between the requirements imposed upon Negroes as a class and those imposed upon whites as a class, and that this disparity was so great and so adverse to the Negroes that discrimination actually existed.

This may seem very easy to do. But if we have white witnesses—both registrars and applicants for registration—who do not wish to testify, who avoid testimony; and if we have such tactics as have been used in Tuskegee, for example, a judicial determination is not at all easy to establish; quite the contrary, it is very difficult.

In many cases there are no records of registrants for application who have been rejected. The records of the applicants who were accepted frequently do not indicate what procedure was followed or what literacy test was administered. The few records that are available can often be obtained only after a critical delay, occasioned by legal action to obtain the records. I cite the case of United States against Wallace. Generally, white persons in the South are in such cases hostile witnesses, unwilling to discuss their experiences with representatives from the Justice Department. They are amenable only to judicially applied coercion, and often evasive in their stories.

So this initial determination would not only be time consuming, but involve a very difficult burden of proof. But even once it has been established, the Negro applicant is not permitted to go to the Federal registrar immediately. Even though the pattern of discrimination has been found, before the Negro applicant can go to the judicial referee, he is first required to go to the same local groups of registrars who, according to the finding, have previously discriminated against him.

I emphasize that this is a feature of the administration's plan which the administration stubbornly refuses to change. Time after time they have been asked to waive this requirement. Each time they have refused; and in the final draft of the McCulloch bill, which, it is understood, will probably be passed by the House, through the cooperation of the Democratic majority, led by the Speaker, and the Republican minority, led by Mr. HALLECK, this point is made absolutely clear.

Whatever doubt or ambiguity existed on this point was cleared away last night when the Senator from Colorado [Mr. CARROLL] read the latest draft of the McCulloch proposal, which specifically requires that prior application must be made to the local registrars. I read from page 5882 of the CONGRESSIONAL RECORD for yesterday:

> Mr. CARROLL. I wish to read into the RECORD, so there will be no doubt about it, from the Celler bill, which probably is under consideration at this very moment by the House of Representatives. I read now from page 5659 of the CONGRESSIONAL RECORD for March 15; and I believe this will clarify their position—not the position of the Senator from Pennsylvania:
>
> "The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote."
>
> And here is the clincher: "and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law."

I invite attention to the insertion of the words "since the finding by the court heretofore specified." Those words were not in the previous draft of the McCulloch amendment. I thought they were implied. It was sometimes said, "Oh, no; they are not in it." But to make the situation perfectly clear, they were inserted in the draft which is now before the House, and which in all probability will be adopted by the House.

In other words, the thumbscrew has been very definitely turned on this clause, to make it explicitly clear that, even after the judicial finding of discrimination has been made, the individual applicant must go back to the same registrars who discriminated against him and seek once again to be registered. This is a crucial and, to my mind, vital defect.

REQUIREMENT OF FURTHER APPLICATION TO STATE REGISTRAR IS MAJOR DEFECT IN REFEREE PROPOSAL

I cannot emphasize too strongly the significance of this requirement. Here Negroes have been discriminated against by local registrars, according to a judicial finding. They have met with hostility and, in many cases, pressure, and then they are asked to go back to the very same people who have humiliated them, and subject themselves to the same process the second time, before they are entitled to go ahead and seek to surmount the rest of the hurdles in the long obstacle course that the referee plan would set up.

A person would have to be an exceptional hero to do that, and, in addition, he would have to be well supplied with the world's goods, to withstand the pressures which would inevitably be put upon him. Since by definition the number of heroes in the world is limited, and since Negroes are socially and economically at the bottom of the totem pole in the South, it means in practice that only a small fraction of Negroes could be expected to go back and try to reregister.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. PROXMIRE. I ask the Senator if it is not true that the section which he has read from page 5882 of the CONGRESSIONAL RECORD of yesterday is the crux of any right-to-vote legislation which is going to be effective. That section reads:

> (2) He has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

Mr. DOUGLAS. I think it is the most vital defect, although it is not the only defect. I think the referee plan involving a lengthy, judicial process is not only inadequate in itself, but I think it is also the worst feature of it.

Mr. PROXMIRE. Is it not true that in order to understand what is at issue and is one of the most important issues of the right-to-vote controversy, particularly by anyone who is interested in discerning the differences between those who really believe in accomplishing registration as expeditiously and justly and fairly as possible, and those who do not believe in expeditious action, it must be understood that this is the crux of the whole issue?

Mr. DOUGLAS. I agree. I think that the impending vote on this amendment is going to be one of the most important votes on this bill.

Mr. PROXMIRE. Can the Senator see any reason why, in terms of justice and fairness and recognition of the rights of all parties, there is anything wrong with a proposal which provides that once there has been a finding that there is a pattern of discrimination against a class, they should not be enrolled or registered by a referee appointed by the court, provided they are qualified voters and provided they fall into this class?

Mr. DOUGLAS. I do not. That is why many of us—and I believe this includes the Senator from Wisconsin—favor the administrative registrar system rather than the judicial referee system.

Mr. PROXMIRE. Would the Senator from Illinois indicate at this point why this is critical to the registrar system rather than the referee system, and why this could not apply to the referee system?

Mr. DOUGLAS. Because under the registrar system, after a finding has been made by the President that there is discrimination and a Federal registrar is appointed, the Negro applicant can go directly to the Federal registrar and then register. He is not compelled to go back to the local registrar.

Mr. PROXMIRE. In order to get the most comprehensive understanding possible of this point, would it be possible to set up the law in such a way that a Federal judge could determine that this pattern existed?

Mr. DOUGLAS. I suppose so.

Mr. PROXMIRE. And thus permit this disfranchised class to be enrolled by the referees appointed by the Federal court.

Mr. DOUGLAS. I suppose that could be done. I believe the Senator from Pennsylvania [Mr. CLARK] has an amendment which does that. There are various combinations and permutations of the referee-registrar provision which can be worked out.

Mr. PROXMIRE. Is it not true that this is the crucial point, because if the law is passed in such a way that qualified persons who are discriminated against, in a class, are permitted to register with a referee, or with a registrar, who has been appointed, that then the pattern cannot be continued by those who previously, on the basis of the finding, have been successfully following the policy of excluding persons who fall in that class?

Mr. DOUGLAS. I believe it is possible to devise a referee plan which would take out the requirement of going to the State or local registrar. But the significant thing is that the administration has always refused to grant this right, and has insisted that a prior application is required, and in fact, it has tightened the requirement.

The Democratic leadership of the House and, apparently, the Democratic leadership of the Senate have decided to make common cause with the administration on this matter. So that we are faced, in a sense, with a united front for an ineffective bill.

Mr. PROXMIRE. In the 57 counties in which, I understand, the Civil Rights Commission has reported there has been not simply a pattern of discrimination against Negroes registering and voting but also an absence of actual legal registration. Under the proposal that is made in this particular section to which the Senator from Illinois has called our attention, is it not true that unless this proposal is included, which permits the enrollment officer, or registrar, to register the disfranchised class, any law would likely be, if not a sham, exceedingly ineffectual and ineffective, and that exactly the same kind of discrimination that has been practiced in the past could be practiced in the future?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Mr. PROXMIRE. Does it not mean that what the disfranchised Negro would have to do would be to prove that as of a certain day at a certain time he went to the proper registering authority in his local district, and that he went to the right window, to the right person, that he asked for the right person; and are there not all kinds of details which could be asserted and under which he could be prevented from proving that he had been actually and legally denied?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Now he has also touched on still another difficulty which is thrown into the path of the disfranchised Negro or possibly the Mexican-American, namely, that he must not only go to the local or State registration officers and expose himself to pressure, delay, humiliation, and so forth; but if he is turned down, he must then go to the referee and prove not merely that he is qualified but that he has again been discriminated against.

In other words, although the court may have found initially that there is a practice or a pattern of discrimination, the individual must prove that he, John Jones, has been discriminated against, and he must therefore show that more severe standards have been applied to him than have been applied to the white applicants at the same time and place.

As I said in discussing the initial finding, in order to show discrimination, an applicant such as our John Jones must not only show that he has had a rough time, but that he has had a much rougher time than the white applicants. Therefore, it will be necessary to have a benchmark of the treatment of white applicants against which can be measured the treatment of Negroes, before it can be said that John Jones has been discriminated against.

In view of the hostility of white witnesses, and in view of the delays which can be practiced, the treatment of Negroes as compared with the treatment of whites will be very hard to establish; in fact, it will have to be proved twice: initially, as a general practice or pattern; secondly, in individual instances. Therefore, in practice, I believe such a procedure would be almost completely ineffective.

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

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in every individual case it will have to be proved again, again, and again? There will be a pattern of going to court and establishing a practice in the case of the first applicant, the second applicant, the third applicant, and so on, hundreds and hundreds of times; and it would still be necessary to go through an expensive legal process, which could be so easily obstructed every single time.

Mr. DOUGLAS. I think that is substantially true, as I have said on many occasions, although it is possible that these cases might be grouped somewhat, together. It is possible, but it is not at all certain.

I thank the Senator from Wisconsin. His questions have been most helpful.

In other words, this process will have to be gone through twice: First, to establish the general practice; second, to establish individual discrimination.

FURTHER DELAYS CAN FOLLOW REFEREE'S REPORT

Then, of course, there are always the appeals which can be taken from the decisions of the voting referees. In the first case, there will be appeals to the district judge. The referee really serves as the judge's special master in chancery. While the district judge, in some drafts of the McCulloch bill would be given the authority to accept the decisions on fact of the referee as correct unless contradicted under oath or by a public record, nevertheless, arguments can always be made on the law. The McCulloch draft specifically provides that memorandums may be submitted on the law. If memorandums can be submitted, then they certainly can be argued about. This will be time consuming.

So the election may well have passed completely before the final decision of the district judge has been handed down. Next election, if there is a new registration period, the Negro will have to go through the whole process again.

Then there is always the possibility of appeals to the higher courts—to the circuit courts of appeals, and possibly ultimately to the Supreme Court of the United States. I know that in some of the McCulloch drafts, steps have been taken to curtail these delays in the later phases of this process; but they will still largely exist.

I think that any sensible person who will take the trouble—and it is not difficult to do—to compare the two methods, will conclude that the President's Commission on Civil Rights was correct in wanting an administrative process; and that the Attorney General has been wrong in insisting upon the judicial process. It is a source of deep regret to me that the congressional leaders of my party have apparently chosen to agree with the Attorney General rather than with the President's Commission on Civil Rights.

COURTS WOULD BE SWAMPED

I think a further point should be made: Suppose the courts under the referee plan treat not the minute number of voting rights cases which I believe they will treat, but that they treat a significant number. If that is the case, then the courts will be swamped with work, because the judicial process, with its insistence upon full argument and full representation—and it is one of the glories of Anglo-Saxon jurisprudence that it does—can necessarily handle only a limited number of cases and indeed the dockets of the Federal courts are already clogged with an excessive volume of work.

So in all probability, it can be said that very few persons will be added to the voting lists if this measure becomes law—very few.

But if we should chance to be wrong, and a considerable number were registered, the courts would be so swamped with work that they could not handle it. So whatever happens—and I believe it will be the first method which will happen—the judicial method which the Attorney General has chosen is a blind alley. If Senators want to find the most ineffective method for dealing with this problem, let them choose the route of the Attorney General; let them choose the route which the leadership on my side of the aisle, in both the Senate and the House, has adopted.

Registering to vote is essentially a simple administrative procedure. It is not a judicial process and we should not try to make it such. I cannot emphasize that fact too strongly.

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

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. One of the outstanding experts on constitutional law in the State of Wisconsin—and I believe in the Nation itself—is Prof. David Fellman, of the University of Wisconsin. Professor Fellman has written to me exactly on this point. He feels that the

price the Attorney General would have Congress pay for achieving a system in which more Negroes could vote may, in his judgment—and he has gone very deeply into the question of civil rights—be too high. He thinks this is an exceedingly bad precedent.

He has said in his letter that if the courts should ever become administrative agencies in this sense, they would become extremely overburdened, exactly as the Senator from Illinois has said they would; that many persons who understand our constitutional system and our judicial system would oppose this method although they fervently believe we should do all in our power to achieve the opportunity for Negroes to vote.

The difficulty in this respect is that two very deep-set values which persons have are set against one another. They believe the 15th amendment to the Constitution should be thoroughly enforced. They also, however, believe very deeply in an orderly judicial system, a judicial system which functions as such.

For this reason, I think the argument which the Senator from Illinois is making now is most pertinent and important. I earnestly hope that the amendment he proposes, providing for the Federal registrar system in the administrative branch of the Government, providing administration, as it should, will be adopted.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

THE OBJECTIONS OF THE POWER ELITE AMONG THE OPEN PERSUADERS

I well know what those of us who are advocating a Federal registrar system are facing. It is not the logic of the situation. If logic and workability were the tests, I believe there is no doubt that the registrar system would be chosen in preference to the referee system.

But we are facing the unseen opinion makers: the columnists, the newspapermen, the shapers of public opinion—the group otherwise, and somewhat irreverently, known as pundits, who tell Congress and the country what they should think and what they should do.

I find that there are three very facile charges which are made against those of us who are working for effective registrar proposals, and these aside from the controlling fact of brute power are the obstacles which we really have to face. The first charge is that we are extremists. That is an unlovely characterization in these times.

The second is that we are trying to go too fast.

The third is that since this measure is opposed by the great power blocs in the Congress, in all probability it will be defeated, and therefore it should not be opposed.

Those are the real arguments we have to answer. It is very difficult to answer them, because they are not put in terms of logic. Instead, they are put in terms of social acceptability.

Mr. PROXMIRE. Mr. President, at this point will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that at the time when the Attorney General made his first plea for the judicial referee system, it was a most convincing performance—at least in the eyes of editorial writers throughout the country—because he used what he called "Jim Crow" ballots, and at the time he argued that the registrar proposal would exclude persons from voting in State and National elections, and that the ballots in those States—as well as in my own State, for example—mixed the State and the Federal elections, and that on that basis the registrar proposal will be unworkable and impracticable?

It seems to me that much of the acceptance of the argument of the Attorney General was based on this fact. I recall an editorial in the New York Times which pointed out that the Attorney General had brought in ballot after ballot, from State after State, and had pointed out that the registrar system simply would not work—that when people went to vote, they would be denied the ballot.

Is it not true that that argument not only has been met by those of us who advocate the registrar proposal, but that, on the other hand, we find many of our good friends in the Republican Party urging that the referee proposal apply only to national elections?

Mr. DOUGLAS. I think that is true. Of course, the Senator from Wisconsin implicitly calls attention to the fact that the pending amendment, which provides for administrative registrars, applies to both State elections and Federal elections, and, therefore, it does not involve in the slightest degree the problem of "Jim Crow" ballots. The Senator is completely correct in stating that that reason for accepting the proposal of the Attorney General no longer exists, and that the question now is simply as to the workability of the two plans both covering State as well as Federal elections.

In other words, if we wish to allow qualified Negroes to be enfranchised, the question of "Jim Crow" ballots is not involved; the only question is as to the relative workability of the two plans.

On that basis, I submit that the Federal registrar plan is infinitely superior to the referee plan. In fact, I will say that if one sought to devise the most ineffective system for dealing with this problem, if one tried to find a method which would enfranchise the smallest number, I do not believe it would be possible to hit on a device more effective in that respect than that which the Attorney General, the Republican leadership of the House of Representatives, the Republican leadership of the Senate, and the Democratic leadership of the Senate are now supporting.

Mr. President, as I have said, what we are contending against is not logic; we are confronted with the impalpable developments in public opinion which have been created by the charges that we are extremists, that we are trying to move too fast, and that we are not organization men.

We remember that when Socrates came to trial he said that those who really were accusing him were not the ones who actually were making charges against him, such an Anytus, but were the popular opinions and the public sentiment in Athens, where certain ideas about him had already been formed.

Although we certainly do not wish to compare ourselves to Socrates, nevertheless, it is true that the impalpable charges against us come from the framers of public opinion, who say we are extremists, that we are going too fast, and that since these measures cannot pass they should not be proposed.

Mr. President, may there be order in the Chamber?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Illinois will suspend.

All other Senators will take their seats. The Senator from Illinois is making a very important speech, and he is entitled to be heard by the membership.

Now the Senator from Illinois may proceed.

Mr. DOUGLAS. Mr. President, is there now order in the Chamber?

The PRESIDING OFFICER. All Senators except the Senator from Illinois, who has been recognized, will take their seats. All conversations by attachés of the Senate will cease. The only person who will be heard will be the Senator from Illinois.

The Senator from Illinois may now proceed.

Mr. DOUGLAS. I thank the Chair.

REGISTRAR PROPOSAL IS NOT EXTREME

Mr. President, of course, no one likes to be called an extremist. We do not think we are extremists. In recent days we have been somewhat pained by being compared to the White Citizens' Councils in the South. It has been said that we are as much extremists, on the one hand, as Governor Faubus and the White Citizens' Councils and certain other gentlemen are, on the other side.

I believe it appropriate to point out that we want to carry out the American tradition of making the 15th amendment actually applicable, and that we seek to do so under the reign of law, whereas what many groups in the White Citizens' Councils want to do is to reverse the American tradition, throw into the wastepaper basket the 15th amendment to the Constitution, and do so with the threat or the actuality of violence.

Yet, Mr. President, I wish to point out again that, in essence, our proposal originated in a group of five men, two of them Southerners: Mr. Robert G. Storey, formerly president of the American Bar Association; and Mr. Doyle E. Carlton, formerly Governor of Florida—and three very eminent Northerners, all of them conservatives. Two of the Northerners are conservative Republicans: Mr. John A. Hannah, and Mr. George M. Johnson. The fifth member, the very distinguished President of Notre Dame University, is Rev. Theodore M. Hesburgh, one of the noblest men of our times.

These gentlemen are not extremists, Mr. President. They are patriotic Americans. It is extraordinary that the

proposal which they advanced is now being treated as an extreme proposal and is being condemned by the pundits of the Metropolitan Club.

Mr. President, I should like to say that America has grown great, not merely because of its growth in population or its growth in material resources, but because America brought new principles of human equality into the world, and gave them tangible expression, and because in large part our political history has been one of the progressive application of those ideals.

The Declaration of Independence is not merely a document to be read on the Fourth of July, and then to be forgotten for the rest of the year.

Certainly Thomas Jefferson meant it when he wrote:

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

Jefferson said, "all men." He did not say "all white men." He did not say "all rich men." He did not say "all landowners." No, Mr. President, he said, "all men"; and he meant precisely that—Negroes as well as whites, poor as well as rich, artisans and farm laborers as well as landowners. It is true slavery existed at that time. There were many features in American life in which the practice did not conform to the principle. But the history of America has been a progressive movement toward those principles.

I dislike to refer to the Civil War, which broke out 99 years ago, and in which there was great heroism and devotion on both sides, but I think it is worth remembering that a very large proportion of those who wore the uniform of blue, who were wounded and who died, did so not merely to establish a continuing political union, but also to abolish chattel slavery and to bring about a greater degree of equality for the Negro race.

Yes, and a considerable percentage of those in the South had the same desire, because one of the most extraordinary statements by a Supreme Court judge was handed down by a great southerner, John Marshall Harlan. This was in 1896, in the famous case of Plessy against Ferguson, where Harlan was the one dissenting judge. And this judge, who had been a slave owner himself, dissented from the opinion and said that the Constitution was color blind and drew no distinction on the basis of race or class.

To me it is a source of satisfaction that the grandson of the great judge who bears his name now sits upon the Supreme Court, and thus the great name of John Marshall Harlan is perpetuated.

I may say that the son of John Marshall Harlan, and the father of the present Justice Harlan, John Maynard Harlan, was a personal friend of mine. We were joined together in Chicago in fighting Sam Insull in the late 1920's. At times I have thought that battle was far more severe and dangerous than any formal battle where physical bullets fly.

As a result of the Civil War, we not only passed the 13th amendment, freeing the Negroes, but we passed the 14th and 15th amendments to the Constitution. The 14th amendment, passed in 1867, which declared that all persons born within the United States or naturalized therein were citizens not only of the State where they reside, but of the United States as well, citizens on equal terms. There were to be no first class citizens, no second class citizens, but all citizens on an equality. The amendment included the provision that no State shall deprive any person of the equal protection of the laws.

Some of us think the Supreme Court was right in its 1954 decision in the Topeka case, when it held that segregation in the schools on the basis of race was a violation of the equal protection of the laws.

REGISTRAR PROPOSAL CARRIES OUT PROMISE OF 15TH AMENDMENT

I am not going to fight that battle now. It is not involved. I appeal rather to the 15th amendment, which provides that no State shall deprive any person of the right to vote because of his race, color, or previous condition of servitude, and that Congress has the power, by appropriate legislation, to enforce that provision.

Mr. President, those provisions are parts of the Constitution. I have heard again and again the 10th amendment to the Constitution quoted, the last amendment of the original Bill of Rights, which provided that any powers not specifically granted to the Federal Government inhered in the States and the people; and, therefore, the conclusion is sometimes drawn that since the original text of the Constitution did not provide for the equal protection of the laws, therefore the 15th amendment should be disregarded, and hence the Supreme Court has no power to act in such matters.

Mr. President, the Bill of Rights was ratified in 1790 or shortly thereafter. The 15th amendment of the Constitution was ratified in 1870. The 15th amendment, therefore, supersedes the 10th amendment to the Constitution.

Now the question is whether we mean to give the Negroes and Mexican-Americans the effective right to vote. Do we really mean it, or do we intend to give only lip service to it but apply it in such a way that only a few can qualify? Are we trying to get a system in which, in practice, the 15th amendment will be denied, even though we may give verbal adherence to it? Are we trying to put into effect some kind of a face-saving device, possibly intended to fool the other peoples of the world, or do we really mean it? That is really the question.

Mr. President, I have great respect for the frank and open opponents of this measure who state, very frankly, they do not believe in allowing the Negroes to vote; they fear that there would be real difficulties created by this proposal. They are very frank and open in their opposition. I respect these men. I think they are mistaken, but I respect them. Indeed, I have more respect for them than for those who give verbal adherence to the principle, but who deny it in practice.

COLORED PEOPLES OF WORLD WATCH OUR ACTIONS

Mr. President, there are 17 million Negroes in this country, and about 3 million Mexican-Americans. To take the population of the world as a whole, two-thirds of it would be described by those who are sensitive to color as colored—the yellow, the brown, the black peoples of the world. These are people who, under colonial rule, have been discriminated against—not so much economically, though that has been true—not so much politically, although that has also been true—but discriminated against socially by the white colonial officers and traders who have relegated them to an inferior position.

I can remember that a sign used to be put up in the park in the foreign section of Hong Kong, which friends of mine told me they had seen, reading, "Chinese and dogs not permitted here." This was a frank statement of the practice which tended to be carried out in the East under British, Dutch, and German colonialism, and partially under French colonialism.

We were probably not as guilty as any of those people, but we drew the color line, too.

This fact has aroused resentment in the world of color. And what the world of color, which probably comprises two-thirds of the population of the world, is asking us is, "How can you reconcile your practice with your principles?" and those peoples are demanding that we put our practice into conformity with our principles.

Having a certain sense of falling behind in the economic world, not being as powerful as we, they naturally have a tendency, as those who are militarily weak do, of trying to find flaws in the armor of strength and to point out all the weaknesses we have. I think I can say, with complete truthfulness, the greatest difficulty we have in winning the wholehearted cooperation of the uncommitted peoples of the world is the treatment which we accord to the Negroes in our country.

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

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. Mr. President, I asked the Senator to yield to ask him this question: Is it not true that the Commission on Civil Rights, appointed by the President, consisted of six members.

Mr. DOUGLAS. There were six members, five of whom made this recommendation.

Mr. PROXMIRE. Five of the six made this recommendation. Is it not true that of the six members one was Robert Gerald Storey?

Mr. DOUGLAS. That is true. He is a former dean of the law school at Southern Methodist University, a former president of the American Bar Association. He was southern born and bred. He is one of the leading lawyers of the United States.

Mr. PROXMIRE. With the Senator's indulgence, I ask unanimous consent that I may read in the RECORD at this point, because I think it is extremely important, a brief biography of Mr. Storey. This shows not only the fact that this gentleman is a southerner and understands the southern traditions but also the very high quality of this man.

Mr. DOUGLAS. I shall be glad to yield for that purpose, Mr. President, if I am granted unanimous consent to do so without losing my right to the floor.

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

Mr. PROXMIRE. Mr. President, before I read this I should like to emphasize that, as the Senator from Illinois has pointed out, this is a suggestion or a proposal which originated with the Civil Rights Commission. Those of us who are trying to advance the proposal are being labeled as extremists or as people who are impetuous or as people who are not sufficiently grounded in the background and theory of the social structure of the South.

The first man on the Civil Rights Commission whose biography I shall briefly mention is Robert Gerald Storey.

Education: University of Texas and Southern Methodist University, B.A.; honorary degrees, LL.D., Texas Christian University, 1947; Laval University, 1953; Drake University, 1954.

Professional: Partner, Storey, Armstrong & Steger, Dallas, Tex.; dean, Southern Methodist University Law School; president, Southwestern Legal Foundation.

Public service: Assistant attorney general of Texas for criminal appeals, 1921–23; member, national executive committee, American Legion, 1921–22; regent, University of Texas, 1924–30; governor, Kiwanis Club, Texas-Oklahoma district, 1931; president of Park Board, city of Dallas, 1938–41; executive trial counsel for United States, Nuremberg, trial of major Axis war criminals, 1945–46; member, Commission To Reorganize Executive Executive Branch of U.S. Government (Hoover Commission), 1953–55; adviser to Korean Government on judicial system and legal profession, 1954; State Department representative in the Far East and Middle East to assist legal profession of friendly free nations—summer 1954–55; member, Board of Foreign Scholarships (International Educational Exchange), 1956.

Bar association activities: President, Dallas Bar Association, 1934; president, State Bar of Texas, 1948–49; president, American Bar Association, 1952–53; president, Inter-American Bar Association, 1954–56; member of council, International Bar Association, 1952.

Business: Director, Southwestern Bell Telephone Co.; chairman of board, Lakewood State Bank; director and general counsel, United Fidelity and Universal Life Insurance Companies, and Sabine Royalty Corp.

Mr. President, I also wish to mention briefly the biography of John S. Battle, Commissioner.

Mr. DOUGLAS. Mr. President, I think I should interject to point out that while Governor Battle found there was discrimination in the South, he did not recommend the creation of Federal registrars. He was the one member on the Commission who did not.

Mr. PROXMIRE. Yes. I desire to give the biography, because John S. Battle was a member of the Civil Rights Commission. It was a well-balanced Commission, on which there was no overbalance on the side of the North. There were three southern members and three northern members.

I am sure all of the members were influenced by the quality of Governor Battle, which is extremely high, and by his eloquence and persuasiveness. Governor Battle served on the Commission. I am sure his viewpoint was thoroughly expressed on the Commission and fully understood by the other outstanding members of the Commission.

Mr. ERVIN. Mr. President, will the Senator yield so that I can keep the RECORD straight as to this matter?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator yield; and, if so, to whom?

Mr. DOUGLAS. I shall be happy to yield, with the understanding that I shall not lose my right to the floor.

Mr. ERVIN. I simply want to bring attention to the fact, to keep the RECORD straight, that Governor Battle said he thought there ought to be no legislation passed by Congress interfering with the rights of States in voting matters. Furthermore, he said, in effect, that he did not believe there was any new legislation needed in this field.

Mr. DOUGLAS. Yes. We made that clear earlier in the statement.

Mr. PROXMIRE. Mr. President, the reason why I mentioned Governor Battle is I think Governor Battle possesses very high qualities. It is extremely important to know that this man, who does take the position the distinguished Senator from North Carolina properly emphasizes and refers to, was on the Commission. His viewpoint was thoroughly heard. He has a background which would give him a peculiar and particular understanding of the situation in the South. That is the reason why I desire to go into a little bit of the details as to his record. This will require only a minute or two.

JOHN S. BATTLE, COMMISSIONER

Born: New Bern, N.C., July 11, 1890.

Home and office: Charlottesville, Va.

Married.

Education: Wake Forest College; University of Virginia, LL.B.

Honorary degrees: LL.D., Hampden-Sydney College, University of Richmond, Wake Forest College, William and Mary College.

Member, House of Delegates, Virginia General Assembly, 1929.

State senator, 1926–49.

Governor of the State of Virginia, 1950–54.

Member, law firm of Perkins, Battle & Minor.

The one other member of the Commission whose background I desire to mention is Commissioner Doyle Elam Carlton.

Born: Wauchula, Fla., July 6, 1887.

Married; three children.

Education: University of Chicago, A.B., 1910; Columbia University, LL.B., 1912; admitted to Florida Bar, 1912.

Member, Florida State Senate, 1917-19.

Governor of the State of Florida, 1929–33.

Practicing attorney, Tampa, Fla., 1933 to present.

He is a man who has lived in the State of Florida and obviously has had extensive experience, as Governor, in regard to the problems of a Southern State.

Mr. DOUGLAS. And Commissioner Carlton also recommended the establishment of Federal registrars.

Mr. PROXMIRE. Along with Mr. Storey.

I simply make this point to emphasize what the distinguished Senator from Illinois has said. This is not a proposal by extremists or a group of northern Senators. This is a proposal which originated with a group which included some of the most eminent legal scholars and eminent lawyers of the Nation, men who were selected by the President of the United States to serve on the Civil Rights Commission. These men have a fine background, which would give to them the kind of understanding of southern problems very few people in the country have.

Mr. DOUGLAS. I thank the Senator.

Mr. President, I think the statement of the Senator from Wisconsin is valuable in many respects, one of which is that it indicates the source of this proposal is in no sense derived from extremists.

We sometimes have a picture of an extremist as a thin and emaciated gentleman, not too well shaven, carrying an umbrella, his eyes agleam with hate, looking like the caricature of the prohibitionist which various newspapers used in the 1920's.

I admit that I am not very well dressed myself, but I had never thought of myself in that capacity as an extremist. I am quite certain my eyes do not reflect any hatred, because my heart does not feel any.

I have said again and again that this is largely a matter of history and geography; that because of climate and because of accident the South had the terrible institution of slavery fastened upon it, whereas the North, because of a cold climate and more rocky soil, was relatively protected from slavery. We of the North are not innately superior in moral qualities to those of the South. We simply were extremely fortunate in not having this institution historically fastened upon us. Slavery is evil, both for the master and for the slave. Its consequences endure after the institution itself has passed away.

I do not want to seem patronizing, but let me say that I not only have no hatred, but I have a real feeling of understanding, I believe, of the difficulties.

The South consists, however, not merely of the whites in the South as is sometimes assumed, but also of the 12 million Negroes in the South. They are human beings, too, and they should be considered, both for their own sake and for the sake of the international position of this country.

COMMON HUMANITY, DESPITE DIFFERENCES IN RACE

There are certain very obvious matters—at least obvious to me—which I think need to be stated. I know that there was a school of purported anthropology which existed in the South prior to the Civil War, which denied that Negroes were men and which asserted that the Negro race and the white race had a different origin, that Negroes were, in essence, animals, and that it was no

more wrong to enslave Negroes than it was to own and work donkeys, mules, and horses.

I think that argument or claim of different origins was, even at the moment, demonstrably false from a biological standpoint, which I shall not go into here, except to say that by the *ordinary tests*, it is obvious that the two different races are not vitally dissimilar groups.

I hope I am not old fashioned when I say that I think Negroes are men, men substantially of the same nature as ourselves. Because of climate and the rays of the sun, those with dark visages had greater survival value in Africa than those of white skin. So, variants in that degree of pigmentation had survival value, and those with darker skin perpetuated themselves, whereas those with lighter skin had survival value in the regions toward the north, where the sun's rays were less intense.

So I start with the assumption, which I hope is not old fashioned and does not mark me as an extremist, that the Negro is a man. If he is a man, and if we believe in the divine origin of man, if we believe that there is a divine spark within man, as I believe, then it follows that there is something of the divine in the Negro, as well as in the white man.

If we reject that thesis, if we say that the Negro is not a man, if we say that there is not something of the divine in him, I suppose his disfranchisement can be justified. But if he has something of the divine in him, he should not be humiliated. He should not be discriminated against. He should be treated as a person who has at least the capacity for immortal greatness. He should be treated as a son of God. Hence, since we hope we are also sons of God, he should be treated as one who is a human brother to ourselves.

If we do not believe in the divinely implanted quality in man, but believe that the evolutionary process itself favors respect for life, and that the workings of survival perpetuate and increase the same qualities of mercy and kindness and tenderness which Christianity, and all the other great religions, with the possible exception of Mohammedanism, inculcate, then we come to precisely the same conclusion. The Negro has an ethical sense which is capable of development, just as we have an ethical sense which is capable of development. He should not be humiliated. He has the right to be treated as we would like to be treated.

I sometimes ask myself this question: How would I like to be treated as the ordinary Negro is treated? How would I feel? That is a good question for us all to ask ourselves, for the white race, as a race, to ask itself. How would we like it if we were treated as the Negro race is treated?

Because of the accident of birth, because of the accident of color, because of historical conditions, the Negro knows that, however hard he tries to acquire skill, however hard he tries to acquire virtue, he is marked and set aside as inferior and excluded from participation in the main stream of life.

How would we like to have our children go through that process, with the more sensitive ones never quite knowing how they would be treated from person to person, never quite knowing what to expect, but always knowing that sometime during the course of the day they would meet with humiliation.

The average Negro in the South knows that others can vote, but that he cannot vote; that others can take part in the political stream of life, but that in the Southern States, at least, he cannot take part in the political stream of life. Therefore he knows that, since government largely reflects the interests and desires of those who have the vote, this means that government, in the States where Negroes are excluded, even though they exist in large numbers, will largely be shaped in the interest of the white group, but not in the interest of the Negro group. They are excluded, so to speak, from the stream of life.

I believe that many of us in these last days have asked ourselves this question: Suppose we had been among that group of 400 Negro students in South Carolina who peacefully assembled to protest because, in other positions of the South, Negroes who tried to sit down at a lunch counter and eat a hamburger had been prevented from doing so. Those 400 students who were peacefully assembling according to the news reports, had a fire hose turned on them, in a 40-degree temperature. Then they were arrested and put into a stockade, still dripping wet. Then as fast as sentence was passed upon them, they were put in a bus and taken away to jail or to the State penitentiary. Then the 400, still dripping wet after this experience, got together and sang "God Bless America."

How many of us, if we had gone through that experience, would have had the patience to sing "God bless America, land that I love"?

How many of our children who might have gone through such an experience would have been able to respond in such a fashion? Not many, I think.

One of the things which frightens me is the question of how long we can expect them to sing "God Bless America."

How long can we expect the black, brown, and yellow peoples of the world to line up on the side of freedom, as symbolized by America, if present conditions continue? We are paying a high price for our prejudices, a price which, as one looks ahead through the years, is very heavy.

Are we extremists, we who simply say that the Declaration of Independence means something and that it is not mere words; that the Gettysburg Address means something; that the sacrifices of the men who wore the uniform of blue at Gettysburg, at Antietam, at Cold Harbor, at Petersburg, and at Vicksburg meant something and that the 15th amendment really means what it says?

It is said all this is extremism, which sensible men of the world who live in the northwest section of Washington, and who have lunch at the Metropolitan Club, can have the privilege of disregarding themselves and of ridiculing those who take the American dream seriously.

ARE WE GOING TOO FAST?

Then the charge is made that we are going too fast. It is said, "Don't hurry. Take your time. Don't try to get any considerable numbers of Negroes registered and voting. Just get a little token number."

Are we going too fast, 100 years after the Civil War, and 90 years after the 15th amendment? It this were 1870 or 1890 or even 1900, perhaps that argument might be valid. We have largely lost, although not entirely, almost a century.

With the world as it is now, we cannot afford to go at the slow pace at which these gentlemen would have us go. We must make up for the past neglect. We must accelerate our pace, because we have been lagged for so long. The color consciousness over the world will not permit us to operate in any piece-meal or fragmentary fashion. The very security of the United States does not permit it.

One of the extraordinary things is that many of the columnists who write about the alarming tendencies in Africa and Asia, and the great difficulties that we are in, never seem to associate this fact in the slightest with color conditions here at home. While they advocate vigorous action—and properly so—to rehabilitate our position abroad and to strengthen it, they also urge that nothing be done, nothing really effective be done, here at home. I have tended to agree with these gentlemen in their views on foreign policy in the past. However, now that I see how wrong they are in their domestic judgment, perhaps I should reconsider those views, because they could be just as wrong on foreign issues as they are wrong domestically. They may not be such pundits after all.

How long can we expect to hold the allegiance or confidence of the rest of the world if we continue to behave as we are doing? How long can we expect the black race, in particular, to be patient elsewhere and in the United States? We do not have as much time as many people think.

IS VICTORY THE ONLY TEST OF A RIGHT OR REASONABLE POLICY?

The final argument is: "You know you cannot get this measure passed. If so, why do you propose it? You were beaten 42 to 53 on the proposal for cloture. You were beaten 38 to 55 on voting to include in the bill the protection of rights under the 14th amendment. You will not win this time. So why propose it? Why not go along with the administration, and go along with the parliamentary leadership of the Democratic Party?"

That may be the position of parliamentary leadership of the Democratic Party, Mr. President, but I believe that it is not the position of the whole Democratic Party, as evidenced in the statement of its advisory committee and in the soundings which I have taken among the people.

It is urged that we should go along with the pundits; that we join the organization, and have pinned on our lapel the medal of moderation in politics and thus be recognized as members of the inner club of the Senate.

I am certainly aware of the difficulties which we face. I am aware that our friends from the South are opposed to us. I wish to say that I honor the frankness with which they state their point of view. It has been my pleasure since I have been in the Senate to have had very friendly personal relations with most of the Senators from the South. They are charming gentlemen. Frankly, I think they would be better companions on a fishing trip than I would be myself.

However, we do not have only those men against us. We also have against us the main group of the administration followers, with the exception of the Republican liberals. I wish to take my hat off to the Republican liberals and to say to them that in my judgment if it were not for them this country would be in a very sad state indeed. They not only defend great principles, but I think they are keeping the Republican Party alive.

I do not know whether they appreciate this certificate of good character coming from me. However, let me say that I deeply appreciate the way in which this small group of Republican liberals have helped us in the planning and in the efforts we have been making to secure an effective civil rights bill.

We know that on this issue we also have against us the majority leader in the Senate and the Speaker of the House of Representatives. We know that they wield great power, and that it is pretty hard to buck them. I have had my troubles with the Speaker of the House of Representatives twice in the national conventions, when he was serving as permanent chairman. He had quite an efficient steamroller.

The truth is that, despite the press' concentration on Democratic differences, there is a split in both parties, between Republican liberals and Republican conservatives, and between Democratic liberals and Democratic conservatives. In the main the race issue separates them, although not entirely, because there are some of our friends in the South who, on economic matters, certainly cannot be classed as conservatives. But I suppose that so far as the parliamentary strength is concerned, the liberal elements of the Democratic Party and the liberal elements of the Republican Party are a relative minority in Congress. But I believe they are not a minority in the country, and I hope at the national conventions of the Democratic Party.

What should one do in that circumstance, if he believes in something in which the holders of political power do not believe? Should he give up and not advocate what he believes in? Or should he make an effort to present his case in as good temper as possible, and then abide by the results, but with the understanding which always exists in a democracy that one's case can be carried to the people, to the people who, in a democracy, are the ultimate possessors of political power, and who determine who are to represent them, not merely in Congress, but also in the Presidency?

I know this is the period of the organization man. I have read Mr. David Riesman's book, "The Lonely Crowd." I have read Mr. William H. Whyte's book, "The Organization Man." I have read Mr. Vance Packard's books "The Status Seekers," and "The Hidden Persuaders." They describe a large portion of reality. There is a tendency to "go along." We are told, "Don't stick your neck out; advocate only those things which you know will be put into effect immediately." I suppose that is the way to get ahead.

But it is also the way to lose one's soul. It does not advance humanity.

These last nights I have been reading, when I could not sleep, a number of American biographies: of Theodore Parker, the great reformer of New England, who was driven out of the churches, but who became a great spiritual force in New England. I know something of the experiences which the early advocates of woman suffrage and of the rights of labor and of abolition experienced. I know something of the way in which William Lloyd Garrison was dragged through the streets of Boston with a rope around his neck, threatened with death because he had declared in favor of the abolition of slavery.

Someone later came from England and asked a citizen of Boston, "What was that mob doing? Trying to lynch Garrison?" The reply was, "That was not a mob; that consisted of the best citizens of Boston."

The grandchildren and great-grandchildren of those who stoned Garrison and Wendell Philips and Theodore Parker now imagine that their ancestors were the defenders of these men.

I believe it was Anatole France who said:

> The dead lend themselves very readily to reconciliation.

Possibly it is true that after this battle has passed, history may be rewritten in such fashion that those who are now opposing an effective voting rights bill may be treated in the light of history as the great protagonists of voting rights and of civil rights.

Such are the amusing features of history, particularly if one has a good press agent, and more so if one has connections with a strong group of newspaper columnists and commentators.

Appeals are now being made to the sacred name of George Norris, who for 40 years fought on the floor, first of the House, and then of the Senate, for progressive legislation, in particular for public power. Now it is being said that Norris knew how to get things done; that he always worked with the leadership. He worked with the leadership, it is said, and they helped put those things through for him.

Mr. President, those who say that simply do not know history. Norris was a pariah in this body for many years, shunned by his colleagues, shunned by the leaders of his party, shunned by the leaders of my party. It was only when there was a great popular change in 1932 that he came into his own. But he would not have been able to get the Tennessee Valley Authority and the REA through Congress if in the previous decades, standing almost alone against the massed power of the Senate, he had not fought for what he believed to be right, and had not been willing to be voted down time after time.

The committee which was designated to choose the five great Senators rejected Norris, for reasons which I have never quite been able to understand. But they did choose, as one of the five great Senators, Bob La Follette, of Wisconsin, whose portrait will be found in the anteroom of the Senate Chamber. Bob La Follette never consulted the leadership to find out what it wanted or what had a chance of passage. He did what he thought was right.

When he first came to the U.S. Senate and rose to speak on monopolies and the railways, every Senator got up and walked out. La Follette spoke to a completely empty Chamber, much as I have been speaking to an empty Chamber this afternoon, although I am not trying to compare myself with La Follette. La Follette then made a statement which was very prophetic when he said:

> I predict that many of those who have temporarily absented themselves from this Chamber will be permanently absented from this Chamber.

That is precisely what happened, because he went out over the country, to chautauquas and other public meetings, and called the roll. He gave the results of the rollcalls on significant votes. In the space of 8 years, we had the popular election of Senators. While the Senate may have continued as a club, it ceased to be a millionaire's club—although we are glad to have a few of them with us.

What I am trying to say is that there is a case for dissent. If one believes a cause to be right, even if every other Member of the Senate is opposed to him, it is proper to advance it—yet not to take too much time in advancing it; not to do it with complete disregard for the feelings of others; not to condemn those who think differently from one's self; but to argue the logic, as I have tried to do this afternoon; not to be taken in by the statement, "Well, you will never get it by."

If we considered only those things which could be immediately passed, society would always be on dead center, and would never advance whatsoever.

Please do not think I am trying to include myself with Wendell Philips of William Lloyd Garrison or Julia Ward Howe or Robert La Follette or George Norris.

I simply say that there are great wrongs in the treatment which we mete out to the Negroes, wrongs which deserve to be remedied.

One of the things on which we should concentrate is the right to vote. It is not the sole reform, but is a very important reform. If we believe in it, we should get an effective measure. I believe that an effective measure consists far more in the registrar proposal than in the referee proposal, which, in my judgment, is illusory and will result in only an insignificant fraction of the Negroes being given the right of suffrage.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is the Senator from Illinois not cognizant of the fact that even assuming that his amendment to section 3 of the bill carries, it would still leave section 7 of the bill intact? Is the Senator from Illinois not aware of that?

Mr. DOUGLAS. Yes, I am. This is an amendment to section 3; that is correct.

Mr. JAVITS. Is the Senator from Illinois not also aware that, whatever may be the views of himself and other Senators who desire to see the registrar plan adopted as the plan for voting, it is a fact that if this amendment were adopted, the Senate would have an opportunity, in due course, to work its will and to say whether it wanted only the Senator's amendment or whether it wanted both the Senator's amendment and the voting referee provision. Is that correct?

Mr. DOUGLAS. Yes.

Mr. JAVITS. Thus the Senate could take its choice, let me say, even though I, as one of the proponents of this amendment, have firm views on the subject, in that I want the registrar proposal, only, adopted.

Mr. DOUGLAS. That is correct.

Mr. JAVITS. Is it not also correct to say that in giving the Senate these alternatives—which by now are standard—the Senate has a full opportunity to work its will; and that the three alternatives are as follows:

First, the pending proposal, submitted by the Senator from Illinois, on behalf of himself and myself—to wit, the registrar proposal, which may be joined with—if the Senate so chooses—the voting referee proposal.

Second, the proposal for Federal enrollment officers—it is the so-called Clark proposal, and is cosponsored by me—which turns upon the fulcrum of a decided Supreme Court case, and also retains the voting referee proposal.

Third, the voting referee proposal.

In view of those alternatives, it is not the view of the Senator from Illinois that, at the very least, the Senate should have an opportunity—in view of the fact that, for reasons which are known to all of us, there has been no committee procedure in connection with this bill—under these circumstances to consider these classic alternatives, and to either adopt or reject them?

And does the Senator from Illinois not also agree that that is particularly true in view of the fact that the chief of these alternatives is not the product of the ingenuity of some one Senator, but is the product of the very deliberate and considered thinking and judgment on this entire subject—and now I refer to the Federal registrar proposal—by the Civil Rights Commission, and that two of the members of the Commission who concurred in that proposal are very distinguished men from the South; and that the proposal for Federal enrollment officers is not strictly a product of the brain of the Senator from Pennsylvania [Mr. CLARK] or of my brain, but represents the consensus of opinion of six Members of this body, three Democrats and three Republicans—and also represents the thinking of the Senator from Missouri [Mr. HENNINGS].

Is that not the situation which faces the Senate; and do not such auspices give these alternatives such standing and such quality that the Senate almost has a duty to consider them and to permit the majority of the Senate to work its will in deciding which one of them will best carry out its purposes?

Mr. DOUGLAS. The Senator from New York is correct, and I am very glad he has so well illustrated the variety of choices before the Senate.

He has joined me in sponsoring the pending amendment which calls for the appointment of Federal registrars; and, as he has said, the pending amendment really has been endorsed by five of the six members of the Civil Rights Commission. The Senator from New York has also pointed out that there are other possibilities or alternatives.

As the Senator from Pennsylvania [Mr. CLARK] pointed out yesterday evening, the reason why we brought up the registrar proposal as an amendment in the form of a susbtitute for section 3 of the Dirksen measure, instead of waiting for the Senate to reach the consideration of section 7, is that if we were to wait for section 7 to be considered, by that time the House bill might well have come to the Senate, and then we might be faced with a move to substitute the House bill for the Dirksen measure, with cloture then imposed; and if that happened, then a registrar proposal, as a susbtitute for the referee proposal, would in all probability be ruled not germane.

Therefore, we felt that time did not permit us to have any further delay, and that we should move as rapidly as possible to a consideration of the question of voting rights, and that we should begin with the proposal for the plan suggested by the Civil Rights Commission.

Mr. JAVITS. In view of the fact that this matter has been discussed, now, for weeks on end, and that at long last—whatever may be the reason for it; and I think both the Senator and I have a right to feel that we had something to do with bringing on the sudden spurt of voting amendments either up or down by means of the much maligned but, I believe, extremely useful cloture petition—voting has been had, does the Senator from Illinois not believe that when propositions have been so deliberately and so elaborately designed by authorities as important as the members of the Federal Civil Rights Commission, they deserve a deliberation and a discussion which bear some remote facsimile to the weeks of discussion which the Senate has had upon generalities, which resulted in no voting at all?

Mr. DOUGLAS. I agree.

Mr. President, I hope the Senator from Michigan [Mr. HART] will take part in this debate. I also hope that the Senator from Missouri [Mr. HENNINGS], who hitherto has not discussed this subject at any length, will take the floor and will discuss this matter.

However, personally, I have no desire to prolong the proceedings to any great length. I have now said about all I wish to say.

Mr. President, I shall close by saying that I think the press, the public, and we ourselves have all too often succumbed to the temptation merely to ask ourselves, "What will win?" Then we adopt only the course of action which we believe will win. However, Mr. President, to succumb to that view is, in my judgment, to give in to the sickness of our society—to the worship of power, to the worship of success—and not to adhere to fidelity to ideals.

Mr. President, to me, the Declaration of Independence still has validity. To me, the Gettysburg Address is still true Americanism. To me, the 14th amendment and the 15th amendment still are valid. To me, the Negro is a man. To me, every human being, whatever his race, color, or religion, should be treated as a son of God, and we should not knowingly humiliate anyone.

I believe that we should try to develop the best that is in people; that the democratic process of participation forces people to make moral choices, and that by making those moral choices, the character of people is necessarily improved; that in the long run, public discussion tends to winnow out the false and to retain the true, or to obtain a blending of different proposals which perhaps is better than any original proposition.

That is why I believe we should have a broader participation in public life; that groups should not be excluded because of extrinsic qualities of color or race; and that if we really mean what we say, we should try to do this in a fair fashion, not in the least effective fashion possible. That fair and effective method is the basis of the present amendment.

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

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. DOUGLAS. I yield.

Mr. CASE of South Dakota. I should like to ask the Senator from Illinois several questions.

Mr. DOUGLAS. Certainly.

Mr. CASE of South Dakota. First of all, let me say that, personally, I regard the ballot box as the ultimate guardian of liberty in a government by the people; and, personally, I feel that the 15th amendment warrants appropriate legislation to secure the safety of the vote for all citizens, regardless of race or color.

Mr. DOUGLAS. And that is what I have been contending for this afternoon.

Mr. CASE of South Dakota. And I have failed to find in the 15th amendment any distinction between State elections or Federal elections. The 15th amendment clearly states that the right to vote shall not be abridged by reason of race or color.

Mr. DOUGLAS. I quite agree, and earlier in the afternoon I argued that point.

Mr. CASE of South Dakota. I respect the Senator's sincerity on that point. With me, however, the problem is, How can we best get it done? I have some reservation with respect to the so-called referee provision as it is proposed in the Dirksen substitute. I feel it would possibly make the courts too much of an

administrative agency, and perhaps overburdened the courts which have a clogged calendar.

Mr. DOUGLAS. That is one objection.

Mr. CASE of South Dakota. On the other hand, I feel that to burden the President with making all the findings necessary to set up a registrar might be overburdening the Presidency. I had thought that possibly the proposal advanced by the Senator from New York [Mr. JAVITS], the Senator from Pennsylvania [Mr. CLARK], and other Senators, offered a way to implement the 15th amendment without overburdening the court on the one hand, or the President on the other.

Under the parliamentary situation, how can I best express my conviction by a vote? What shall I do?

Mr. DOUGLAS. I do not want to give the Senator advice on how to vote. Let me say that if the registrar proposal is turned down, we can then proceed to the Clark-Javits proposal.

But in the meantime, before the Senator makes up his mind, I ask him to look at page 4, subsection (D) of our amendment, as regards the question of overburdening the President. That provision reads:

> In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

Mr. CASE of South Dakota. I thank the Senator for his yielding and for his answer to my question.

Mr. DOUGLAS. Mr. President, I am ready to yield the floor, unless there are questions.

Mr. JOHNSON of Texas, Mr. JAVITS, and Mr. CHURCH addressed the Chair.

Mr. DOUGLAS. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Idaho for a question.

Mr. DOUGLAS. Or statement, with the understanding that I do not lose my right to the floor.

Mr. CHURCH. Mr. President, first of all, I want to commend the Senator from Illinois for the excellent address he has given this afternoon. I honor him for the leadership he has shown in the civil rights field, and for his efforts to convey the importance of this matter to the entire country.

I should like to ask the Senator this question. Is it not true that under the Constitution it is left to the States to determine the qualifications of voters, with the limitation that no State may deny the vote on account of race, color, or previous condition of servitude, as provided in the 15th amendment?

Mr. DOUGLAS. I think that is substantially true, although as the Senator knows, there are two provisions on this point, the 4th section of the first article of the Constitution; namely, that Congress may prescribe the time, place, and manner of electing—initially—Representatives, and then later the meaning was broadened to include Senators, and the word "manner" may have a somewhat elastic definition; and, secondly, the 15th amendment, to which the Senator has referred.

Of course, as the Senator knows, in the particular amendments which are before us, none of them proposes to set up different qualifications. They provide that the State qualifications shall be carried out or applied by the federally appointed registrars, or enrolling officers, or referees. But where there is proof that the administration of the qualifications is carried out in a discriminatory fashion, then a Federal officer, either judicial or administrative, may be appointed, who will apply the State's standards—not new standards, but the State's standards.

Mr. CHURCH. I understand that is so, but, apart from the restriction imposed upon the States by the 15th amendment, the States, under the Constitution, have the authority to establish the qualifications for voters. That is true, is it not?

Mr. DOUGLAS. Yes, but they cannot be applied in a discriminatory fashion.

Mr. CHURCH. I agree, because the 15th amendment specifies that no State shall deny the right to vote to any person on account of race, color, or previous condition of servitude.

Mr. DOUGLAS. Not only shall not deny, but also shall not abridge.

Mr. CHURCH. That is true. Now, since under the Constitution it is left to the States to establish the general qualifications for voting, which they must establish in a nondiscriminatory fashion, has it not always been customary for the States to handle the registration of voters within their own jurisdictions?

Mr. DOUGLAS. Yes. That is correct, of course.

Mr. CHURCH. And the purpose of the legislation that we are now considering is to provide a remedy to citizens who are disenfranchised improperly, by virtue of the failure of a State, in any given case, to register those voters in accordance with their rights under the Constitution?

Mr. DOUGLAS. That is correct.

Mr. CHURCH. That brings me to the principal question I should like to ask the Senator from Illinois. Since normally the States provide the registrars to register the voters, and since it is our purpose to furnish a remedy to citizens who may be improperly denied the right to vote by a given State, in an unconstitutional manner, and since, to do so, whether we proceed by way of a registrar or a referee, it is first necessary for a finding to be made that the State in question has in fact improperly denied citizens of their right to register and vote, then is it not a matter of central importance to determine by what method that finding is made? And, in this connection, I will ask the Senator whether, under his proposal, that finding would have to be made in an adversarial proceeding in a Federal court, where competent evidence must be presented to establish that discriminatory practice is in fact taking place, or whether it could be made administratively without such a procedure, or in what manner it could be made?

Mr. DOUGLAS. On pages 3 and 4 of the amendment we provide that the findings shall be made administratively, and the President may designate the Commission on Civil Rights, if it is continued, as I hope it will be continued, or the Department of Justice, or such other agency as he may deem appropriate to conduct the investigation and make available to him all the facts necessary for his determination.

This is not something new in American Government. In many acts we have quasi-judicial bodies which are given this power; and the Commission on Civil Rights, though not the Department of Justice, could be held to be a quasi-judicial body.

Mr. CHURCH. Are there any other precedents in Federal law which permit Federal officers to supplant State officers on the basis of a purely administrative determination? This is the problem which troubles me, and it troubles me very deeply.

Mr. DOUGLAS. As the Senator from Idaho knows, I am not a lawyer.

I remember, however, the first Child Labor Act, which I think was passed in 1914. At that time standards were laid down. It was provided that where State administrative officials came up to a given standard of efficiency they could serve as Federal officials for the purpose of the act, but where they did not come up to those standards the Federal inspectors would substitute for them. While the first child labor law was declared unconstitutional, I do not think it was declared unconstitutional on that ground. I think that provision of the act was not reversed.

Mr. CHURCH. I do not raise, in connection with the amendment presented by the Senator, a constitutional question.

Mr. DOUGLAS. I understand.

Mr. CHURCH. I raise instead a question of policy. It seems to me that where the objective is to replace local registrars—who have customarily been State officers and who, under the Constitution, are intended to be State officers—with Federal registrars, who would supplant the State officers, it is very important that the initial determination that a pattern of discrimination does in fact exist, of a kind to justify the use of Federal officers in the place of the State officers, ought to be carefully and properly made. I fail to find, in the language of the amendment, sufficiently specific provisions to satisfy me that an administrative determination by the Civil Rights Commission—or, indeed, by the Attorney General, who is, after all, an appointee of the President—would be sufficient to assure me that due process of law would be followed in the making of this finding. So the fault I see in the Senator's proposal is with respect to the initial finding. It is my feeling that since such a finding could only safely be made upon competent evidence, and since the rules of evidence and judicial procedure which have grown up over the centuries ought properly to apply in a case of this kind, this initial finding should be made in a Federal court.

Mr. DOUGLAS. I appreciate the Senator's feelings.

Mr. CHURCH. For this reason I find I cannot support the amendment offered by the Senator, but I again commend the Senator from Illinois for the splendid address he has made and for the leadership he has shown in advancing the cause of civil rights. I want the Senator to understand why I differ with him in regard to this amendment.

Mr. DOUGLAS. Yes. I appreciate the position of the Senator from Idaho very much.

Perhaps my use of the language was inexact. I wish to point out that the Federal registrar appointed by the President would not replace the local or State registrar. Those local registrars would indeed continue to function. The Federal registrar would merely serve to register groups which Congress and the Commission have found in general to be discriminated against, and whom we know as men have been discriminated against, in localities where the President or the agent of the President specifically found this discrimination to exist. I do not see any reason—and eminent law professors agree—why the action cannot be based on such findings by Congress and the President, as well as on court findings.

We are not going to put in a new wholesale system of registration which supplants the old one. The present system would continue, in those cases where the Federal registrar was appointed, for the white voters. The Federal registrar would merely serve as a registration officer for the disbarred Negro voters.

I know there are many facets to this problem, and it is hard to get an answer which satisfies all queries on every fastidious point, so to speak.

The evil against which we are moving, is, to my mind, however, so great that we have to have a fairly effective means of dealing with it.

I think the chief fault with the referee system is not so much in the original judicial finding—although that is not simple and fast—that a general practice or pattern of discrimination operates, but is in the fact that after the finding has been established each individual Negro has to go through the process once again with the State or local registrar. Each individual must submit himself to the humiliation and to the delays and pressures of being forced to register at the same place. He must again go to the referee, and then once more to the judge, to prove not only that he is qualified to vote but that he has been discriminated against. I think that is the chief fault with regard to the proposal.

There are all kinds of combinations and permutations which one can include in regard to the registrar and referee system. We chose one that seemed to us most simple, direct and effective. Perhaps later along the way the Senator from Idaho will want to join us on some variant.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I ask that the yeas and nays be ordered on the Senator's amendment.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I intend to move to table the amendment, but I shall withhold that motion temporarily, with the understanding that I shall not lose my right to the floor. I shall be glad to yield for reasonable amounts of time to other Senators, with the full understanding that I reserve my right to the floor and my right to offer the motion to table the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and, if so, to whom?

Mr. DIRKSEN. I yield to my colleague from Illinois.

Mr. DOUGLAS. I thank my colleague for yielding.

I will say I ascertained earlier today that a number of Senators, or their offices had inferred that there would probably be no votes today. Those Senators are therefore absent on various forms of official business. I am personally ready to vote at any time, of course.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. May I finish, please?

Mr. JOHNSON of Texas. I should like to correct the impression that anyone in authority in the leadership informed any Senator there would be no votes today. I think I have talked to most Senators, and to everyone who asked me I said we expected votes, even during the evening, if necessary.

Mr. DOUGLAS. It is hard to get testimony from absent Senators as to what they believed or inferred.

I will merely say that the offices of these Senators have in general told us they inferred that probably there would not be a vote today.

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

Mr. DOUGLAS. It so happens that most of these Senators who are away are men who, if present, would probably vote with us. I do not think it would be wholly fair to a number of the absent Senators to push the amendment to a vote today.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. TALMADGE. Mr. President, will the distinguished minority leader yield to me for 1 minute, so that I may make an insertion in the RECORD?

Mr. DIRKSEN. Mr. President, I will yield to the Senator from Georgia with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Georgia.

TRIBUTE TO SENATOR RUSSELL

Mr. TALMADGE. Mr. President, an impressive example of the profound respect and unqualified esteem which all Americans hold for Georgia's illustrious senior Senator [Mr. RUSSELL] is the excellent column by Bill Henry which appeared in a recent issue of the Los Angeles Times and was reprinted in the March 17, 1960, issue of the Atlanta Journal.

Mr. Henry pays deserved tribute to the senior Senator from Georgia [Mr. RUSSELL] as an outstanding lawyer, a great Governor and a U.S. Senator of unparalleled stature. He expresses the opinion that were the U.S. Senate called upon to name the Nation's most talented and successful diplomat of modern times it would unanimously choose the Senator from Georgia [Mr. RUSSELL].

As the Member of this body who has the honor to serve as the Senator's junior colleague, I wish to endorse Mr. Henry's conclusions about the greatness of this incomparable statesman and I wish to observe that it is my personal conclusion that historians of the future will record that the greatest mistake our Nation has made during the past half century was in not calling him to the higher service of President of these United States.

I ask unanimous consent, Mr. President, that the text of Mr. Henry's column, as reprinted in the Atlanta Journal, be printed herewith in the body of the RECORD.

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

SENATOR RICHARD RUSSELL: NATION'S BEST DIPLOMAT

(By Bill Henry)

If it were ever left to the membership of the Senate of the United States to name the most talented and successful diplomat of modern times, it would not be John Foster Dulles or Dean Acheson or any of the other professional practitioners of the art of accomplishing-something-without-ruffling-too-many-feathers.

Instead of thumbing through the State Department personnel files for the greatest diplomat of them all, the Senate would turn to its own membership and offer the name of the distinguished gentleman from Georgia, RICHARD BREVARD RUSSELL. The balding bachelor from the tiny town of Winder has demonstrated the exact mixture of determination, tact and procedural skill required for success on so many occasions that even those who disagree completely with some of the things he stands for will swear that no man in modern times has so perfectly combined the judicial qualities with tact and skill.

LOOKING BACK

Just look back at his most recent accomplishment of keeping the whole Senate without sleep for more than a week and preventing a majority from having its way, without having any of the Members mad at him. The actual fact is that those who most furiously resent what they feel is his obstructionism not only grudgingly admire his skill and tact but find it impossible to stir up any personal antagonism over the situation. It's a pretty good trick to keep people up without much sleep for a week, deny them what they feel are their rights, and still lose neither their respect nor their friendship.

Senator RUSSELL has, as a matter of fact, made a career of defending what he regards as the right of the individual States to settle their own problems. He's been at it, successfully, for more than a quarter of a century in the Senate.

But he has not limited his activities to this matter. His judicial tact, demonstrated in many different fields and on many differ-

ent matters, is such that when the touchy matter of investigating the dismissal of Gen. Douglas MacArthur came up, RUSSELL was the unanimous choice of his fellow Senators to preside over the hearings. The conduct of those sessions has been hailed as an example of perfect handling of an almost impossible problem. A major secret of his success is the fact that he doesn't lose his temper or his poise. He has planned his present campaign to prevent what he regards as an injustice to the South in a manner that would do credit to a military genius like Robert E. Lee. One error could easily bring the wrath of an infuriated majority down on his head—but he doesn't make that sort of mistake.

REMARKABLE CAREER

RICHARD BREVARD RUSSELL is a smalltown gentleman attorney who comes by his political skills rightly. His father was a struggling smalltown lawyer who eventually became chief justice of Georgia. RUSSELL spent a decade in the general assembly, becoming speaker and then being elected Governor at the ripe old age of 33. He at once cut his own salary, eliminated 85 of 102 bureaus and agencies in his State, and when his term expired was elected to the Senate. As a symbol of the South he received 263 votes for the presidential nomination in 1948 and 292 votes in 1952. It is quite a tribute that he is highly regarded by his colleagues despite the bitterness of their disagreement with him on the touchy subject of civil and States rights.

Mr. President, I thank the distinguished minority leader for yielding to me.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

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. JAVITS. Mr. President, will the minority leader yield to me?

Mr. DIRKSEN. Mr. President, with the understanding that I do not lose the floor, I shall be glad to yield. I think the distinguished senior Senator from New York would like 20 minutes.

Mr. JAVITS. That is correct.

Mr. DIRKSEN. I believe the distinguished junior Senator from New York [Mr. KEATING] would like 10 minutes.

Mr. KEATING. The Senator is correct.

Mr. DIRKSEN. May I have the attention of the Senator from Michigan [Mr. HART], who is on his feet? I thought perhaps he wanted a little time.

Mr. HART. I apologize for distracting the Senator.

Mr. DIRKSEN. I merely wished to ascertain how many Senators desired time before I press the motion to table.

Mr. HART. I would welcome the opportunity briefly to state my views.

Mr. DIRKSEN. Could that be done within the compass of 10 minutes?

Mr. HART. Yes.

Mr. MANSFIELD. Mr. President, in order to keep the record straight, there have been allegations that assurances had been given to Senators that there were to be no votes today. I understand, indirectly, through the grapevine, that I am said to be one of those who gave such assurance. I deny absolutely that I gave any such assurance. I stated that I did not think there would be any votes today, but that I could not assure Senators there would be no votes. I told Senators that if they would leave their names with me, if there were to be votes I would see that they were notified as soon as possible.

I wish to have that statement on the record, because no assurance has been given to anyone, so far as I am concerned, that there would not be any votes today.

Mr. DIRKSEN. Mr. President, obviously assurances are unpredictable things. I know of no assurance that I gave on that point. Besides, I believe, in fairness to Senators who have remained in the Chamber, we are entitled to make some progress in this matter, so no apologies are necessary from any side.

Mr. President, I ask unanimous consent that, with the understanding that I shall not lose the floor, I may yield 10 minutes to the junior Senator from New York [Mr. KEATING], 10 minutes to the Senator from Michigan [Mr. HART], and 20 minutes to the senior Senator from New York [Mr. JAVITS], or a total of 40 minutes, following which I shall take 5 minutes for myself, and if no Senator wishes additional time, I shall press the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MANSFIELD. Mr. President, reserving the right to object, does the Senator intend to make a motion to table the pending amendment?

Mr. DIRKSEN. I do.

Mr. MANSFIELD. I assume that, so far as the Democratic side is concerned, we can notify all absent Senators, even to the extent of telephoning them long distance or sending telegrams. I wish the attachés on the Democratic side would attend to that matter immediately.

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

Mr. DIRKSEN. I yield provided I do not lose the floor.

Mr. ERVIN. A moment ago the majority leader, the Senator from Texas [Mr. JOHNSON] asked for the yeas and nays on the pending amendment, which were ordered. I wonder if there is to be a yea-and-nay vote on the motion to table.

Mr. DIRKSEN. I expect to ask for the yeas and nays.

The PRESIDING OFFICER. There is a unanimous-consent request now pending. Is there objection to the request of the minority leader that he be permitted to yield to various Senators the times indicated, without losing the floor? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, after 45 minutes I shall make the motion to table, and ask for the yeas and nays.

I now yield to the junior Senator from New York [Mr. KEATING].

Mr. KEATING. Mr. President, I thank the Senator from Illinois. I wish to speak on another subject very briefly, but before doing so I shall speak for a moment or two on the pending amendment.

In my judgment the voting referee proposal is by all odds the soundest single method of protecting the right to vote against discrimination. I strongly support section 7 of the Dirksen amendment, which embodies the referee proposal. However, I feel that the registrar proposal has been greatly strengthened over the one originally proposed, in that the present version applies to both Federal and State elections, and there is no doubt in my mind whatever that under the 15th amendment Congress has the power to legislate in this field as regards both Federal and State elections.

Furthermore, it is entirely impracticable to legislate only as to Federal elections, because in many States the ballots cover both Federal and State officers, on the same ballot.

Those of us who favor further strengthening the rights of our citizens to vote do not wish to be whipsawed, as almost happened in the other body, by having one group, who favor a particular method, line up with those who do not want any method, against the other side; and, in turn, when some other plan is presented, have another group form the same kind of coalition to defeat the second measure. Therefore, I think it is very desirable, since this amendment does not supplant section 7, to have an alternative plan before us for consideration at this stage.

As I understand, if the motion to table is agreed to, it is the intention of the Senator from Pennsylvania [Mr. CLARK], the senior Senator from New York [Mr. JAVITS], and other Senators to offer another proposal.

I think it is very important that we should have this opportunity to test the sentiment of the Senate on these alternatives without jeopardizing the referee section.

Mr. President, I now desire to discuss another subject.

The PRESIDING OFFICER. The junior Senator from New York has the floor.

RECOMMENDATIONS OF THE PRESIDENT FOR REVISION OF IMMIGRATION LAWS

Mr. KEATING. Mr. President, earlier today I was happy to cosponsor a bill to carry out the recommendations of the President for revision of the immigration laws. I hope that the Subcommittee on Immigration and Naturalization, of which I am a member, will give this legislation prompt and favorable attention. The problems in this field have been too long neglected. Our present immigration laws are very fine in many respects. Nevertheless, they are riddled with discriminatory, inequitable, and unjustifiably stringent provisions; and the sooner we come to grips with this problem the better.

Charges were made yesterday, both here and in the other body, that the President's message was motivated by election year politics. At the time I said this charge was completely baseless. I repeat that statement now and I wish to document my position.

The charge is made by those who wish to cover up for the failure on the part of the Congress to do anything substantial to reform our immigration laws.

Let me briefly review the actions which the President has taken in this field since 1953.

On February 2, 1953, within 1 month after taking office, the President, in his state of the Union message, requested the Congress to review existing legislation in this field and to "enact a statute which would at one and the same time guard our legitimate national interests and be faithful to our basic ideas of freedom and fairness to all."

This message reminded us that "we are—one and all—immigrants or the sons and daughters of immigrants." It pointed out that existing legislation contained "injustices" and did in fact "discriminate."

Later that same year, on April 22, 1953, the President sent a letter to the Vice President of the United States and the President of the Senate, and the Speaker of the House of Representatives, wherein he recommended the enactment of emergency immigration legislation for the special admission of a total of 240,000 immigrants.

On February 17, 1954, the President requested supplemental appropriations to continue the refugee relief program.

On January 6, 1955, in his state of the Union address, the President again urged the correction of certain inequitable, and discriminatory provisions in our immigration laws.

On April 20, 1955, the President transmitted a message to the Congress on the mutual security program which contained his request for funds for the United Nations and the Intergovernmental Committee for European Migration for the purpose of carrying on their humanitarian assistance to uprooted and oppressed refugees throughout the world.

On May 27, 1955, the President, in a most comprehensive message, suggested approximately 10 changes to the Refugee Relief Act.

On January 5, 1956, in his state of the Union message, the President again demanded immediate attention to our immigration problem and requested a revision of our immigration and nationality laws which would deal realistically with present-day conditions.

On February 8, 1956, the President delivered a special message to the Congress which again was a comprehensive statement on the need for a major overhauling of our immigration laws.

This message took up four separate and distinct subject matters respecting our immigration policies: First, the quota system and the use of national origins; second, the private relief bill system of handling hardship cases; third, unnecessary restrictions and administrative provisions of our immigration laws; and fourth, judicial review in deportation.

In this message the President said:

Experience in the postwar world demonstrates that the present national origins method of admitting aliens needs to be reexamined and a new system adopted which will admit aliens within allowable numbers according to new guidelines and standards.

On September 25, 1956, the President addressed a letter to me as the ranking minority member of the Judiciary Committee, wherein he expressed great disappointment over Congress failure to meet his repeated requests for legislation which would provide asylum for a substantial number of refugees and escapees in Europe. He expressed hope, however, that this much-needed legislation would be forthcoming in the next session of Congress and stated that he would again urge its enactment.

In the President's budget message of 1957, the President again requested amounts for escapee program and for contributions to Governmental Committee for European Immigration and the United Nations Refugee Fund, which aid in the relief and settlement of refugees from behind the Iron Curtain and in immigration from Europe.

On May 23, 1957, the President, in a message to the Congress, once again urged corrective legislation to alleviate the tremendous refugee problem existing throughout the world. And, in this same message, the President again urged that the quota be based on the 1950 population in place of the 1920 census. He called for the equitable distribution of the additional quota numbers and recommended that they be distributed among the various countries in proportion to the actual immigration into the United States since the establishment of the quota system in 1924 and up to July 1, 1955. He further recommended that quota numbers unused one year should be available for use in the following year. He called for a pool of the unused quota numbers for Europe, Africa, Asia, and the Pacific oceanic areas. He also made recommendations that would eliminate the so-called mortgage on quotas arrangement existing under the Displaced Persons Act. In addition, he noted the need for proper alien orphan adoption legislation, together with several other liberalizing features on our immigration policy.

On May 21, 1957, in a message to the Congress, the President further urged contributions to the United Nations and other international programs in the field of technical operation, assistance to refugees, migrants, children's welfare and assistance to escapees from Communist despotism.

On March 13, 1959, the President again called for funds to continue the just-mentioned programs.

On May 21, 1959, the President held a conference at the White House on refugee problems and cited this country's role in the World Refugee Year.

On January 18, 1960, in his budget message for 1961, the President again requested funds to continue his mutual security program.

The Chief Executive can urge laws but he cannot enact them. No one can fairly shift responsibility to the President for Congress' inaction these past 8 years.

On the contrary, it is plain from the record that the President has done everything which could reasonably be expected to center attention on the flaws in our present immigration policy. His efforts deserve recognition from all those interested in these objectives. If we had more action in Congress and less partisan backbiting, there would be no need for the President's constant reminders to us of our legislative responsibilities.

I for one intend to follow the President's lead and to continue my unceasing efforts for constructive results. I will not be drawn into any partisan debate on a subject so important to the poor souls throughout the world who look to America for welcome and haven. Let us devote our energy and time to a discussion of the merits of these issues and not waste them on questioning anyone's motivation.

This is a field which cries out for action. Let us respond to that cry sympathetically and constructively—rather than by bitter carping and wrangling. Let us not play politics with the problems of broken families, displaced refugees, orphaned children, and all the other people throughout the world who love and respect our great country and who expect from America a warm and generous response to their needs.

I am grateful to my friend from Illinois for permitting me to make these brief remarks on this subject. I ask unanimous consent that an analysis of S. 3225 be printed in the RECORD at this point as a part of my remarks.

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

ANALYSIS OF S. 3225

(Outline of proposal "to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes.")

QUOTA PROVISIONS

Under existing law the annual quota of 154,657 is computed by taking one-sixth of 1 percent of the white population in 1920.

1. The proposal (section 1) would provide for increasing the annual quota.

(a) The quota would be increased by applying the same percentage to the 1950 total population rather than to the 1920 white population. This would provide an increase of 101,343 or a total annual quota of 256,000.

(b) It would provide a further increase in the annual quota when the 1960 census is completed by applying the same percentage to the 1960 total population. This would provide an increase of about double the present quota or a total annual quota of 300,000.

Existing law provides for the distribution of the quota as determined under the provisions of the Immigration Act of 1924 based upon "national origin." It also provides that the minimum quota for any quota area shall be 100.

2. The proposal (sections 1 and 2) would provide for an equitable distribution of the additional quota numbers authorized.

(a) Each quota area would receive the same quota provided by existing law.

(b) The proposal would increase the quota of each minimum quota area from 100 to 200.

(c) Under the proposal the concept of "national origin" would be discarded insofar as distribution of the remainder of the increase in the quota is concerned. The remainder of the increase in the quota would

be distributed among the several quota areas in proportion to the total immigration to the United States from each area between July 1, 1924 and July 1, 1959.

Existing law makes no provision for the use of unused quotas.

3. The proposal (section 1) would provide for the use of unused quotas by pooling such quotas and providing for their redistribution.

(a) Quota numbers in the pool would be made available to natives of quota areas whose quotas were oversubscribed during the previous fiscal year.

(b) Each oversubscribed area would receive a percentage of the number of visas in the pool equal to the percentage that its allotted quotas bears to the aggregate of all quota areas whose quotas were oversubscribed.

Existing law provides that "any increase in the number of minimum quota areas above 20 within the Asia-Pacific triangle shall result in a proportionate decrease in each minimum quota of such area in order that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed 2,000." There are 20 minimum quota areas each with a quota of 100 or a total of 2,000.

4. The proposal (section 3) would delete entirely the present ceiling of 2,000 on the minimum quotas within the Asia-Pacific triangle.

Existing law does not adequately provide new political entities with an immigration quota of not less than the total of subquotas or minimum quotas previously comprising the area in which such political change occurs.

5. Under the proposal (section 3) provision would be made to assure new political entities a quota of not less than the total of subquotas or minimum quotas previously comprising the area.

REFUGEES

1. The proposal (section 4) defines "refugees" as including persons forced to flee from Communist territory or from a country in the Middle East because of persecution or fear of persecution. It also includes persons who are victims of war, political upheaval, or natural calamity who are unable to return to their former homes.

2. Under the proposal the President would be given the power to authorize by proclamation the parole by the Attorney General into the United States of "refugees" whenever he finds:

(a) That a situation has arisen which justifies it, and

(b) That it would be in the interests of the United States to do so.

3. Specific authority would be given the Attorney General to parole into the United States 10,000 "refugees" annually in the absence of any proclamation by the President.

4. The proposal (sec. 5) sets up a procedure for the adjustment of the immigration status of parolees to that of lawful permanent residents.

(a) The Attorney General would be authorized to adjust the status of refugees after 2 years residence if not contrary to the national interests;

(b) A report of the Attorney General's action would be submitted for congressional approval and unless disapproved refugee's immigration status would be adjusted.

OTHER CHANGES

Existing law makes no provision under which an Asian spouse may be given the benefit of the quota of an accompanying spouse or if the accompanying spouse is a nonquota immigrant (a native of a Western Hemisphere country) classification as a nonquota immigrant.

1. The proposal (sec. 6) would remove this inequity in existing law by granting to an Asian spouse the benefit of the quota of an accompanying spouse or permit the Asian spouse of a native of a Western Hemisphere country to be classified as a nonquota immigrant if accompanying or following to join such spouse.

Existing law requires information concerning "race and ethnic classification" to be furnished in applications for both immigrant and nonimmigrant visas.

2. The proposal (sec. 7) would eliminate this requirement of existing law by deleting the language requiring that information concerning "race and ethnic classification" be furnished. This language is not susceptible of definition and serves no useful purpose.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

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

Mr. HART. Mr. President, I appreciate the fact that the Senator from Illinois has yielded to me at this time. Possibly I shall not take all the time he has allotted to me. Mr. President, I realize that one is now speaking under the notice that a motion to table the amendment offered by the distinguished Senator from Illinois [Mr. DOUGLAS] is just around the corner.

A week ago, and at some length, I attempted to outline the reasons which persuaded me that an enrollment officer, or registrar, was the most effective device available to us to meet the serious facts which have been reported to us as of last September by the President's Commission on Civil Rights.

Nothing which has been stated in the ensuing week has persuaded me that the enrollment officer approach, or the registrar approach, is not the best instrument. I would hope that reference would be made to my remarks of a week ago, beginning at page 5187 of the RECORD, for the specifics in support of this position.

Today I shall content myself to make two additional points. One of them is to make more specific the statement I made initially that the referee approach is guaranteed to delay and to discourage.

This is true whether it is a referee appointed to handle an emotionally charged question like enrolling a minority group, or a referee appointed to handle one of the more traditional functions of a Federal district court, to review a patent matter or an accounting proceeding.

Let me refer to a man who has stature in American jurisprudence. All would acknowledge Chief Justice Vanderbilt. Every member of the American bar has great respect for him. At pages 1240 and 1241 of his work, "Cases and Materials on Modern Procedure and Judicial Administration," published in 1952, Chief Justice Vanderbilt made this comment, which is most appropriate:

> There is one special cause of delay in getting cases on for trial that must be singled out for particular condemnation, the all-too-prevalent habit of sending matters to reference—
>
> A synonym for "referee."
>
> There is no more effective way of putting a case to sleep for an indefinite period than to permit it to go to a reference with a busy lawyer as referee. Only a drastic administrative rule, rigidly enforced, strictly limiting the matters in which a reference may be had and requiring weekly reports as to the progress of each reference will be put to rout the inveterate enemy of dispatch in the trial of cases.

Justice Vanderbilt there was describing the experience most lawyers have had with referees or masters. He was not discussing, as we are in Congress these days, a proposal to turn over the problem of enrolling thousands of a minority group who for 90 years have sought to be placed on the voting books. He was referring to the assignment of cases to referees as an inveterate enemy of dispatch, as it is engaged in, used, and experienced in the traditional function of a district court.

The proposal which is offered in the McCulloch amendment in its several forms is to respond to the President's Civil Rights Commission's report of thousands of persons not on the voting rolls by saying "Federal court referees will be appointed to handle the matter." This in the face of a hue and cry of several years' standing that the Federal courts are overcrowded, overloaded, and discouragingly congested. This in the face of the most recent statement of the Judicial Conference that additional judgeships over and above those already recommended are required in the Federal courts.

Let me cite areas where district court congestion is the greatest. One finds the "Field Study of the Operations of the U.S. Courts," a report to the Senate Committee on Appropriations of April 1959, as an answer to the question of where the delays are now. On pages 11 and 12 of this report is a table which shows the civil docket status in the various districts of the several Federal circuits. On page 12, one notes that whereas the average caseload per judge in the U.S. district courts is 259, the average load in the following districts is away above the national average:

The eastern district of North Carolina, the eastern district of South Carolina, the eastern district of Virginia, the northern district of Georgia, the eastern district of Louisiana, the western district of Louisiana, the southern district of Mississippi, and the eastern and western districts of Tennessee. In these districts the caseload per judge right now is much larger, much heavier, than the national average.

Certainly these are the districts in which referees could be expected to function, and in which the district courts could be expected to function in voting rights cases. The McCulloch approach proposes loading an already overburdened Federal district court with a job of enormous size.

On March 10, the Judicial Conference of the United States proposed additional judges as needed and as essential.

Where? Among other places, an additional judge is requested in the Court of Appeals for the Fourth Circuit, which includes North Carolina, South Carolina, and Virginia; an additional judgeship in the fifth circuit, which includes Alabama, Florida, Georgia, Mississippi, and Louisiana; additional district judges in the southern district of Florida and the middle district of Tennessee.

What is the pending recommendation of the Judicial Conference with respect to the need for additional Federal judges? Here it is, in part:

In the circuit courts of appeals, the Judicial Conference recommends two additional judgeships in the fourth circuit; two additional judgeships in the fifth circuit; additional judgeships in the middle, eastern, and western districts of North Carolina; an additional judgeship for the eastern district of South Carolina; two Federal judges for the southern district of Florida; two additional judges for the eastern district of Louisiana; one additional judge for the southern district of Mississippi; one additional judge for the eastern district of Tennessee; one additional judge for the middle district of Tennessee.

They recommend, further, that the existing temporary judge in the middle district of Georgia be made permanent.

This is the present state of the Federal court docket. The McCulloch referee approach would load into that already overburdened court system perhaps the most difficult assignment which has ever been proposed to be given to the Federal district courts, an assignment which, by all American tradition, is administrative and executive, not judicial. Referees would do this work. As one Federal district court has described it, a referee is a device which, it is common knowledge, greatly increases the cost of litigation, and delays and postpones the end of litigation.

It is for this practical reason that some Senators feel so strongly that an enrollment or a registrar approach is infinitely preferable to the referee approach. I know this is a matter of relatively small significance in the face of the enormous constitutional questions which have been injected into this debate; but it is a very practical and real problem. It is a reason which should not be overlooked when one is offered the proposition: Do you or do you not agree with the President's Civil Rights Commission that the answer to this enormous problem, a problem which has cried for solution for generations, is to be handled by an enrollment officer? Surely those of us who advance the proposal of an enrollment officer do so with knowledge of an enormously overburdened Federal court system, as it is now, and we ask that others recognize this condition, too.

Mr. DIRKSEN. Mr. President, I previously agreed to yield next to the Senator from New York [Mr. JAVITS]; and I now yield 20 minutes to him.

The PRESIDING OFFICER (Mr. McCARTHY in the chair). The Senator from New York is recognized for 20 minutes.

Mr. JAVITS. First, Mr. President, I should like to pay tribute to my gallant friend, the Senator from Illinois [Mr. DOUGLAS], who has put forward this proposal, in which I have been privileged to join.

Regardless of what may be the vote on the motion to lay on the table, and no matter what may be the problem involved, and aside from the fact that a number of Members of the Senate are not present today, I believe it would have been shocking to both the country and to the Senate if we had not given careful consideration to the registrar alternative, which has been put forward under such splendid auspices, and is based on so much careful study, research, and findings of fact.

Mr. President, if I say nothing else this afternoon, I wish at least to state that I think my colleague, the Senator from Illinois, has continued to play his great role in this Chamber, for the cause here involved has, in the Senator from Illinois, a most eloquent friend who will fight for it almost to his last breath.

Mr. President, we are now dealing with a very key point in respect to the entire bill.

We have constantly been told that the moderate position dictates that the bill shall be a voting rights bill. But we already know that the bill will also include antibombing provisions; and I certainly expect that it will also include provisions which will deal with the children of military personnel; and I also hope the bill will include provisions in regard to school desegregation and provisions in regard to employment by those who have Government contracts. So, Mr. President, certainly the bill will not be confined to provisions dealing with voting rights.

However, if the main consideration is voting rights, then it seems to me that this afternoon we are discussing the very heart and core of the bill.

For myself, I believe we should retain the voting-referee provision; and I am able to join in supporting the pending registrar provision because it will not disturb the voting referee provision which is dealt with in another section of the bill.

All of us know that the voting referee provision is directed at a particular target—namely, a community which represents hard-core resistance to widespread voting, a community in which there needs to be present, right on the ground, an individual with authority, under the jurisdiction of the judge of a Federal court who has the power to punish for contempt if a judicial order is violated.

We also know the complexities and the difficulties involved in litigation.

My eloquent and distinguished friend, the Senator from Michigan [Mr. HART], has recently pointed out the problems involved because of the number of judges available and the complexity of litigation—all of which would make this approach slower, and certainly would make it difficult of application to the large numbers of persons who have been denied the right to vote.

So the registrar approach, which has been carefully thought through by the Civil Rights Commission, seems to me to be the optimum approach. As I have already stated, for the hard-core areas where great resistance is encountered, the voting referee provisions will also be needed as an alternative plan available to the Attorney General; but in order to assure the right to vote to the large numbers of persons who are being denied the right to vote, the registrar plan is, I believe, the proper one.

Mr. President, this remedy is designed to correct a very obvious wrong.

In the report of the Civil Rights Commission, we find, on page 134, that—

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

And then the Commission says:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

And, finally, in recommending the appointment of registrars, the Commission recommends this remedy as being a means by which the large numbers of persons involved may be given the most expeditious opportunity and the fairest opportunity to register and to vote.

Mr. President, one of the most impressive aspects of the recommendation for the appointment of registrars is that, among all six of the members of the Commission, there was only one dissent, and it was by Commissioner Battle, formerly the Governor of Virginia. Not only did all three of the members who, roughly speaking, come from the North concur in the recommendation for the appointment of registrars, but so did Dean Robert G. Storey, of the Southern Methodist University Law School, and so also did Doyle E. Carlton, formerly the Governor of Florida.

When the report of the Civil Rights Commission was issued, its recommendation which was widely heralded and widely discussed throughout the country was the Commission's recommendation for the appointment of Federal voting registrars.

There was some dispute as to whether such a provision would be a proper and legal one and as to whether it would be constitutional. So the Senator from Illinois [Mr. DOUGLAS] and I caused that recommendation to be submitted to a group of law school professors at Yale University Law School and at the University of Pennsylvania Law School. Among those law-school professors are some of the most distinguished authorities on constitutional law. For example, we had the benefit of the views of Professor Pollak, of Yale University Law School, who is a very widely celebrated authority on constitutional law; and at the University of Pennsylvania Law School we had the benefit of the views and the judgment of Dean Jefferson B. Fordham, who also is a very well known authority on this subject. This group of law-school professors arrived at an opinion which has been widely circulated; and many Senators have stated

that, in their view, the double-barreled approach by means of the appointment of voting registrars as well as the appointment of Federal voting referees was, in their opinion, entirely legal, entirely constitutional, and constituted the optimum approach in dealing with this problem.

Here is their opinion as to why this is the most effective approach; and I shall read now from the objective, considered judgment of a group of highly respected law school professors at two of the outstanding law schools in the Nation:

It would seem clear that there are great advantages in an accommodation of the two plans which would empower the President and his assistants to use either or both approaches, as occasion demands. Legislation combining the proposals would permit the President to try, in the first instance, to ameliorate local discrimination in elections through the use of the swifter but more moderate registrar device. The referee plan could be brought into play if the registrar plan's criminal sanctions did not prove fully effective or if, as the Attorney General fears, the enrollment by the registrar of voters eligible only for Federal elections stimulates "Jim Crow" balloting.

I point out that in the pending amendment, State elections as well as Federal elections are covered; so in this instance we do not have the "Jim Crow" balloting problem.

Now I read the conclusion which was reached by these law school professors:

Thus, where the registrar plan worked smoothly and generated acceptance of Negro participation not merely in Federal elections but in the total political process, it would then be unnecessary to invoke the more drastic referee machinery. A two-phased approach of this kind seems an appropriate way of insuring that in our zeal to protect vital constitutional rights we do not too precipitately unsettle the Federal-State equilibrium.

Mr. President, I call that point particularly to the attention of the Senate, in order to show the solicitude which was exercised by those who reached that judgment upon this question, and to point out their belief that there should not be undue disturbance to the equilibrium between Federal and State relationships in this field.

Mr. President, the pending amendment, as proposed by the Senator from Illinois [Mr. DOUGLAS], not only carries out the recommendations of the Federal Civil Rights Commission—which, as I have said, were concurred in by two of three Southern members of the Commission—but also would make it more difficult to have Federal registrars appointed, because whereas the Federal Civil Rights Commission recommended that such action be taken upon application by nine persons who would execute sworn affidavits regarding the denial to them of the right to register or to vote on grounds of race or color, the pending amendment calls for not less than 50 persons from the same county to make such a request of the President. I respectfully submit that when we are dealing with the paucity of voting which exists in the counties to which this provision would apply, the provision for a petition signed by 50 persons from the county concerned will require a very large and representative sample of voters from that particular community.

Therefore, it seems to me that the Federal Civil Rights Commission has give us an optimum way by means of which thousands upon thousands of persons who now are denied the right to vote may be given the right to vote in the most convenient way and—as the Senator from Illinois has also pointed out—without interfering with the functioning of State registrars, wherever they are appointed and are functioning.

It is very clear that the Federal registrar appointed by the President will certainly have a right to act where the State registrars have either defaulted in their duty or have sought to frustrate the electoral process.

As to the question of constitutionality, Mr. President, it seems to me, insofar as the registrar proposal deals with Federal elections, that the question of constitutionality is completely set aside by the provision of the Constitution which vests in the Congress the right to establish the time, place, and manner of holding elections for Federal officials.

Let me direct attention to what has been pointed out time and again, but which constantly needs reiteration, that this has nothing to do with the qualification of individuals. Those qualifications remain to be established by the State law. But this has to do with the time, manner, and place of electing a Federal official. So the Congress could, under the Constitution, without any excuse, without needing the establishment of the fact that people have been discriminated against, or that there has been a pattern or practice of discrimination on account of race or color, take over, itself, the manner of holding elections for Federal officials. So that is one great part of the amendment.

The other part, as it relates to State elections, depends on the 15th amendment. The cases have held very clearly that the 15th amendment requires equal opportunity for voting, and therefore for registration, and it has also been applied to primary elections which relate directly to State elections. There is no question about it. Accordingly, to constantly define that power, Congress may determine who is to make the determination of fact which gives it the power to invoke the provisions of the 15th amendment.

If the President, therefore, finds, and there is a basis in fact for finding, that there is a pattern of discrimination, Congress may, as a matter of law, give the President the power to make that determination, and then to institute action, according to the law that Congress has passed, to see that the wrong is redressed in such a way as Congress prescribes.

Mr. President, there is nothing unusual about this. The books are full of cases in which the President may make a determination in matters of law and, having made such a determination, put into effect a remedy which has been provided for according to the laws passed by Congress.

If there was any question left about the fact that this is a perfectly constitutional grant of power on the part of Congress to the President, it was certainly settled by the case of the United States against Raines. In that case the court very clearly held that it is not necessary, in order to invoke congressional power, for every possible remedy provided by State law to be availed of, but if there were a denial or a frustration of the right which is guaranteed by the Constitution, under color of State law, at the lowest echelon in the State government, by the lowest ranking registrar, there could immediately be invoked the power and authority which the Congress may give to the Federal establishment by law. In that connection, I refer to the case of United States against Raines at page 7, which reads as follows:

And as to the application of the statute called for by the complaint—

Which in this case is the Civil Rights Act of 1957—

whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as State action and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

Then the Court goes on and says:

The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

Then the Court cites a case and concludes as follows:

We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

In short, by way of summary, this is a perfectly constitutional devolution of power to the President, to be applied to both Federal and State elections. We have the opinion of outstanding law-school professors on that point. We have the findings of the Civil Rights Commission. And we have the latest case on the subject, United States against Raines. They all favor that view.

Second, for the thousands upon thousands of people who are not registered, the voting referee approach, although very good for the hard-core cases, is not adequate for the proper protection of the large numbers of those who need registrars. In short, they probably need the double-barreled plan of both registrars and referees; and therefore their problem may be more directly and more properly approached by means of both Federal registrars and referees.

Finally, it seems to me that if this is to be a voting rights bill, it should be one which has teeth in it and meat to it, and will get done the job that needs to be done in view of the very proper complaints which have been made. According to the findings of the Federal Civil

Rights Commission, there is an estimated number of 1,800,000 persons, largely Negroes, in the South, who could have an opportunity to vote and who could be added to the voting rolls, and who, in one way or another, have been frustrated, by situations in that area of the country, from exercising this elementary franchise.

Finally, there is the point that if the motion to table is defeated—and I shall certainly vote against the motion, and I hope the Senate will turn it down—then the Senate will have before it, not a single-barreled proposition of the referee plan, but the registrar proposal and the proposal for a Federal enrollment officer. The Senate will act, in that case, on both of those propositions, one of them applying to the great number of people who need registrars, and the other applying to the hard core cases, where there is tough resistance against the right of some to vote.

This is an effort to adopt the plan to which we wish to give effect. I think this proposal follows the plan. I hope the Senate will be given an opportunity, through failure of the motion to table, to vote on it.

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

Mr. JAVITS. I yield.

Mr. KEATING. I should like to ask my distinguished colleague a question. Suppose the motion to table were defeated and we had this proposal before us. Let us assume it later was carried. Would it then be the intention of my distinguished colleague from New York to offer the alternative proposal with the two-way street in it, which I much prefer to this one?

Mr. JAVITS. The steps are as follows, I think: If the Senate does not want the Federal registrar proposal, we shall then offer the proposal to which the Senator has referred. On the other hand, if the Senate wants the Federal registrar proposal, it would stand in the place of the enrollment officer proposal. I emphasize that the registrar proposal would be the double-barreled proposal, so far as I am concerned, to wit, the provision for the registrar and voting referee, and not merely the registrar.

Mr. KEATING. I agree with that. The provision for voting referees is in section 7 now. Is that correct?

Mr. JAVITS. That is correct.

Mr. KEATING. And this proposal does not affect that provision at all, does it?

Mr. JAVITS. Not at all.

Mr. KEATING. As between the plan for registrars alone and the double plan which is sponsored by my colleague from New York, I prefer that the Senate affirm the double plan. I think it is a preferable method of approaching this problem. I think anyone who feels that way is in somewhat of a quandary as to how he should vote on the motion to table at this time.

Mr. JAVITS. Since I feel as I do, that registrars and voting referees together represent the optimum plan, I hope very much those in a quandary may vote against the motion to table.

I thank my colleague.

Mr. KEATING. I thank my colleague.

Mr. DIRKSEN. Mr. President, in further pursuance of our understanding I should like to yield for a half minute to my distinguished friend from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank the able and distinguished minority leader.

Mr. President, on Wednesday, March 16, 1960, the distinguished Governor of South Carolina, the Honorable E. F. Hollings, issued a statement in respect to President Eisenhower's statement regarding demonstrations by Negroes in the South. This is a very important statement and I think it would be helpful to the Members of the Senate if they would take the time to read this statement in full.

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

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

STATEMENT OF GOV. E. F. HOLLINGS, OF SOUTH CAROLINA, IN REPLY TO PRESIDENT EISENHOWER

COLUMBIA.—The full text of Governor Hollings' statement, in which he took issue with President Eisenhower's recommendation that biracial committees be appointed in southern communities, follows:

"I have the greatest respect for our President and know that he intended to be helpful by advocating biracial committees. However, this recommendation and some of his other comments are most harmful. To begin with the President is confused both as to the facts and the law.

"We indulged peaceful demonstrations as long as they remained peaceful and could be maintained peacefully. However, after 3 weeks of such incidents in numerous cities of South Carolina, it became perfectly obvious to everyone on the scene in South Carolina that things were getting out of hand. Demonstrators, even though they carried Bibles, were intent on being jailed and promoting violence, and observers were intent on their communities not being taken over by national antagonistic groups even under the guise of the Bible and the national anthem.

"As Governor, with positive and overwhelming proof of these conclusions, I could no longer concern myself only with constitutional guarantees of freedom of assembly and redress of grievances. I had to take cognizance of the explosive nature of these circumstances and assume my primary responsibility for maintaining the public peace.

GOVERNOR OF ALL

"These are facts. I realize fully that I am Governor of all the people of South Carolina, both white and Negro. I welcome suggestions from both. I know the value of maintaining friendly communications with both, and, again I commend the far majority of both white and colored for helping us maintain public peace in South Carolina. However, the issue is one of maintaining the public peace and not of establishing rights. One does not need a biracial committee or conference to determine the responsibility and authority of the Governor and peace officers of South Carolina to maintain the public peace, and we will have no such confusion over law and order in South Carolina.

"As to the law, under the Federal court decision of *Charles E. Williams* v. *Howard Johnson's Restaurant*, a store owner or restaurant operator has the constitutional right to serve whomever he pleases. According to the President's statement, then, he is mistaken as to the law. In accordance with the law, we have not dictated or suggested to any store owner whom he should serve or whom he should not serve. Rather we have sought his cooperation in affording him and his property police protection.

"Necessarily, when the President infers that—if such assemblies and demonstrations are orderly, he thought they fell within the area of constitutional rights, he did great damage to peace and good order in South Carolina. Up until now we have prevented violence in South Carolina and our warnings have been both to colored and white and demonstrators and spectators alike. The President and everyone should understand that the measures we have taken are to primarily protect the safety of the colored people and he ought not to enter into what he himself has termed 'a local matter for local authority.'

"We have tremendous respect between the colored and white people of South Carolina. Up until now we have maintained good communications. During the last few days I have conferred, and will continue to confer, with responsible white and Negro citizens to receive their counsel and cooperation. However, there is no trust in South Carolina for a biracial committee or conference. The white people don't trust such a committee, and the colored people don't trust such a committee. If I were to place together such citizens for a conference as the President suggests, the only sure result would be a complete repudiation of both white and colored citizens involved in such a conference. I would be taking good colored leaders who are helping us in South Carolina and ruining them. This I do not intend to do.

TROUBLE BREWED

"These recent incidents in the South point up our original concern that progress would be destroyed by force. Back in 1952, we told the Supreme Court that such forced commingling was explosive in nature and tended to provoke violence. Gunnar Myrdahl, a psychologist from Sweden, said he knew better and that all would be peace and harmony. Unfortunately, incidents over the South in the past few weeks prove conclusively that he was wrong. These incidents are explosive. If you can understand and appreciate this fact of life, you will realize these situations have moved from a consideration of rights to a consideration of maintaining peace and good order. No one should be mistaken about this. South Carolina will not tolerate public violence."

Mr. DIRKSEN. Mr. President, I hope I can complete my remarks in about 4 minutes. Then I shall offer a motion to lay on the table the so-called Douglas-Javits amendment which would amend section 3 of the so-called package.

In the package substitute section 3 relates to the preservation of voting records. The amendment would strike out and offer an amendment which deals with protection of the right to vote.

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

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. If the Senator will look at the concluding section of our amendment, beginning on page 8, he will find that it retains the existing language which the Senator has in his proposal.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. So the amendment does not strike out the proposal of the Senator from Illinois, but adds to it.

Mr. DIRKSEN. I am sorry if I conveyed the impression that that was not taken care of later.

Mr. President, in rough compass this is what the amendment would do: First, it would make a general finding with respect to the denial of the right to vote. Second, it would provide for the employment of temporary registrars in any county under certain conditions, if there are enough people who would sign a petition with respect to the general denial of the right to register and to vote.

Mr. President, after such a petition has been filed the President would be empowered by Executive order to appoint the registrars, and in regard to the appointment he could appoint any employee or any Federal official, not necessarily in the county in which the petition with respect to the denial of the right to vote may have been filed.

One other thing is important. The voting registrars, as I read the amendment, would hold the authority for an indeterminate period of time. There is no cutoff provided. It might be an authority which would last for a long or a short time.

That is the essence of the proposal which is before us. My judgment is that there are two very obvious and sound defects, which are the reasons why I shall move to table the amendment.

First, the amendment applies to Federal, State, and local elections. The only authorities under which we operate, of course, are the 14th and 15th amendments to the Constitution. It seems to me that the amendment, at the State and local level, would actually displace the State machinery on a bare finding by the President of the United States.

I found further that, after the President makes such a finding on the basis of a petition signed by 50 aggrieved people, there is nothing in the amendment to provide a single opportunity for a State official to protest, to go into court, or to go into an administrative hearing.

Mr. President, I am willing to go pretty far in the field of civil rights, but I am not going to go quite that far, I can assure the Senate. I regard that as a major defect.

Second, I think the amendment has a tremendous enforcement weakness. The registrar, under given circumstances, can issue a certificate. The voter will then go to the polls, and perhaps the election official will say, "We will not recognize your certificate." So the person would be refused the right to vote. What would the man do?

We could resort to a criminal penalty, if we could get it, but it certainly would not cure the problem of obtaining for that man the right to vote.

Also, the amendment provides for appropriate court proceedings. The man can go to the precinct station, and can shake the certificate in the face of the judge and say, "Look; I have a certificate. Now you let me vote." For some reason or other he may not be permitted to vote. Then what can he do? The amendment says there shall be appropriate court proceedings by the Attorney General, and injunctive relief and otherwise will be provided. It is sought to help this poor fellow with a certificate.

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

Mr. DIRKSEN. Mr. President, I yield myself 2 additional minutes.

By that time, of course, we will have these men trotting back and forth between the court and the precinct, if the polling place stays open long enough. That approach, in my judgment, is an impractical one, to the point where it becomes a little absurd. I think this is a major enforcement weakness, for one thing.

It seems to me that there is another defect of going across the board, with no opportunity for a State official to have either a court or an administrative appeal if he so desires. Willing as I am to commit great powers to the President of the United States, even in regard to the issuance of an executive order, when that happens under these circumstances I still believe there has to be some review authority by way of protection.

In those circumstances, Mr. President, I for one could not accept this amendment, and I think the best way to deal with it at this time is to table it.

Mr. President, I move that the amendment be tabled.

Mr. JAVITS. Mr. President, before the Senator makes his motion to table, though I have a pretty good idea as to what will happen, I think the RECORD ought to be clear in regard to one point. It is not a fact that there will be no review. It is my considered judgment that the court will review the findings of the President in accordance with established law, and such a review could be obtained.

Mr. DIRKSEN. I could find nothing on page 1, and I could find nothing on page 2 or on page 3, to state that after the petition is lodged with the President and the order is issued a State official can get a court or administrative review, if a State official files a protest. I have not found such a provision.

Mr. President, I move that the pending amendment be tabled.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois will state his inquiry.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. DOUGLAS. Mr. President, is it in order to suggest the absence of a quorum at this time?

The PRESIDING OFFICER. Will the Senator repeat his question?

Mr. DOUGLAS. Is it in order to suggest the absence of a quorum?

The PRESIDING OFFICER. It is in order.

Mr. JOHNSON of Texas. I will say to the Senator that every office has been called.

Mr. DOUGLAS. Mr. President, I understand one or two of our colleagues have pressing engagements, so I shall not suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, may we have the question stated so that late comers may know precisely what is the question?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Douglas-Javits amendment to section 3 of the Dirksen amendment in the nature of a substitute.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the junior Senator from Louisiana [Mr. LONG], who is temporarily absent. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. CANNON. I have a pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. CHURCH. On this vote I have a pair with the distinguished senior Senator from Pennsylvania [Mr. CLARK]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Indiana [Mr. HARTKE], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Connecticut would vote "nay," and the Senator from Arizona would vote "yea."

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

I also announce that if present and voting the Senator from Tennessee [Mr. KEFAUVER] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Colorado [Mr. ALLOTT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote the Senator from Arizona [Mr. GOLDWATER] and the Senator from Connecticut [Mr. DODD] are paired. If present and voting the Senator from Arizona would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 53, nays 24, as follows:

[No. 125]

YEAS—53

Aiken	Ellender	Monroney
Beall	Ervin	Mundt
Bennett	Fong	Murray
Bible	Frear	Prouty
Bridges	Fulbright	Robertson
Brunsdale	Green	Russell
Bush	Hayden	Schoeppel
Butler	Hickenlooper	Smathers
Byrd, Va.	Hill	Smith
Byrd, W. Va.	Holland	Sparkman
Carlson	Hruska	Stennis
Case, S. Dak.	Johnson, Tex.	Talmadge
Chavez	Johnston, S.C.	Thurmond
Cotton	Jordan	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	McClellan	Yarborough
Dworshak	Mansfield	Young, N. Dak.
Eastland	Martin	

NAYS—24

Anderson	Hart	McCarthy
Bartlett	Hennings	McGee
Carroll	Jackson	Magnuson
Case, N.J.	Javits	Moss
Cooper	Keating	Muskie
Douglas	Kuchel	Pastore
Engle	Lausche	Proxmire
Gruening	Long, Hawaii	Symington

NOT VOTING—22

Allott	Hartke	O'Mahoney
Cannon	Humphrey	Randolph
Capehart	Kefauver	Saltonstall
Church	Kennedy	Scott
Clark	Long, La.	Williams, N.J.
Dodd	McNamara	Young, Ohio
Goldwater	Morse	
Gore	Morton	

So Mr. DIRKSEN's motion to lay on the table the amendment offered by Mr. DOUGLAS for himself and Mr. JAVITS was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the Senate agreed to the motion.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion of the Senator from Texas to table was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 12 o'clock on Monday next.

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

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

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. JAVITS. Mr. President, I send to the desk an amendment to section 3 of the pending bill.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that so far as the leadership is concerned, there will be no more rollcall votes this evening.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment may be dispensed with because the amendment was read only yesterday. It is the amendment which was submitted by the Senator from Pennsylvania [Mr. CLARK]. It is the amendment identified as "3-11-60—B."

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

Beginning on page 19, line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and/vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a District Court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interefere with such right, shall be fined not more than $1,000, or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"'(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: "Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be added as a cosponsor of the amendment.

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

Mr. JAVITS. Mr. President, I do not intend to detain the Senate this evening at all. I understand that the desire is to adjourn promptly.

I can explain the situation in 1 minute, if the Senators will permit me to do so and remain to hear me.

The amendment which I have sent to the desk I have sent up in fairness to the position of those of us who have worked this matter out as a compromise basis between the proregistrar people and the provoting referee people. It was worked out by three Senators who are lawyers, on each side. The Senator from Pennsylvania [Mr. CLARK] submitted it yesterday, and then decided to allow the Senator from Illinois [Mr. DOUGLAS] to press the registrar proposal, and withdrew it.

I am submitting it today in the absence of the Senator from Pennsylvania, because he and I are cosponsors of the amendment. When he arrives here on Monday, we will have a reasonable chance to consider the amendment, and at that time he will take up the burden of the argument itself, as will I also, as a cosponsor of the amendment.

I wished to make the point clear that I am acting today only out of courtesy and convenience to the Senator from Pennsylvania [Mr. CLARK].

I should also like to have Senators note that this amendment has a rather considerable list of sponsors. Aside from the Senator from Pennsylvania [Mr. CLARK] and myself, and the Senator from South Dakota [Mr. CASE], who has just added his name, the cosponsors are Senators HUMPHREY, AIKEN, BARTLETT, CASE of New Jersey, MORSE, KUCHEL, PROXMIRE, MCNAMARA, WILLIAMS of New Jersey, and SCOTT.

In short, this is an honorable and studied effort to deal with a problem which faces us in the Senate and is a solution which we believe should commend itself to a majority of the Members of the Senate. We shall press it with great seriousness, and shall do our utmost to explain in detail why we believe it is an effective way in which to accomplish the voting result which I believe so many Senators seek.

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

Mr. JAVITS. I yield.

Mr. RUSSELL. I would certainly not wish to impugn the honor or intent of the sponsors of the amendment, but I am interested in knowing just which amendment we are now discussing. Will the Senator identify it, so that I may pick it out of this mass of amendments I have on my desk?

Mr. JAVITS. I shall be glad to. It is identified as "3-11-60—B."

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

Mr. JAVITS. I am trying to answer the question of the Senator from Georgia. It is "3-11-60—B." It shows the Senator from Pennsylvania [Mr. CLARK] as the principal sponsor. To the amendment there has been added the text of what is now section 3 of the Dirksen substitute.

Mr. RUSSELL. In other words, the Senator is adding this language to the Dirksen substitute. I thought the Senator was offering it to section 3 of the bill.

Mr. JAVITS. I am. In view of the fact that it is offered as a substitute amendment, it is added to the present text of section 3, so that the idea of a dual Federal enrollment officer and voting referee bill is added to the text.

Mr. RUSSELL. The enrollment officer and referee would be one and the same person.

Mr. JAVITS. Not necessarily. I will explain that in detail. The only reason why I have asked that the amendment be not read at this time was that it was read in detail yesterday and was printed in yesterday's RECORD. Therefore, I took the liberty of asking that we not take the time of the Senate to read the amendment this evening.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. Is this not the same amendment which was offered by the distinguished Senator from Pennsylvania [Mr. CLARK] yesterday and debated at length and then withdrawn?

Mr. JAVITS. It is exactly the same amendment. I would not say it was debated at length. The Senator from Pennsylvania spoke to it and then decided to yield an opportunity for the consideration of the registrar proposal of the Senator from Illinois [Mr. DOUGLAS].

I should like to inquire of the leadership, because I do not believe it would be fruitful to discuss this amendment tonight, how late the leadership desires to keep us in session this evening.

Mr. DIRKSEN. I hope we can adjourn right now, speaking for myself.

Mr. MANSFIELD. I second that idea.

Mr. JAVITS. I yield the floor.

ADJOURNMENT TO MONDAY

Mr. DIRKSEN. Mr. President, I move that, under the order previously entered, the Senate now adjourn until noon on Monday.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, March 21, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 18, 1960:

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. John Charles Hayden, O18174, U.S. Army.

Brig. Gen. Stephen Read Hanmer, O18348, U.S. Army.

Brig. Gen. Tom Robert Stoughton, O18156, U.S. Army.

Brig. Gen. John Archibald Barclay, O18420, U.S. Army.

Brig. Gen. Creighton Williams Abrams, Jr., O20296, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Jean Evans Engler, O19198, Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Aloysius O'Connor, O29454, U.S. Army.

Brig. Gen. Hiram Dudley Ives, O29509, U.S. Army.

Brig. Gen. Richard Collins, O29375, Army of the United States (colonel, U.S. Army).

To be brigadier generals

Col. Vernon Price Mock, O19906, Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter Brown Richardson, O30597, Army of the United States (lieutenant colonel, U.S. Army).

Col. Merrill LeRoy Tribe, O42374, U.S. Army.

Col. John DuVal Stevens, O19414, U.S. Army.

Col. Harry Jacob Lemley, Jr., O19756, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Frederick Leonard, Jr., O19829, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Carl Garrison, O30144, Army of the United States (lieutenant colonel, U.S. Army).

Col. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).

Col. Duncan Hallock, O18960, U.S. Army.

Col. Joseph Rieber Russ, O19860, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Herndon Critz, O19786, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lester Lewes Wheeler, O19951, Army of the United States (lieutenant colonel, U.S. Army).

Col. Durward Ellsworth Breakefield, O19781, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Benton Neely, O19114, U.S. Army.

Col. Melvin Delos Losey, O42235, U.S. Army.

Col. Julian Alexander Wilson, O30359, U.S. Army.

Col. Richard Martin Hurst, O30191, U.S. Army.

Col. Hamilton Austin Twitchell, O19843, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Stafford Eckhardt, O19766, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hugh McClellan Exton, O19780, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ralph Edward Haines, Jr., O19849, Army of the United States (lieutenant colonel, U.S. Army).

Col. Francis Mark McGoldrick, O19857, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Ruhlen, O19733, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Thomas Mildren, O21992, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frederick Carlton Weyand, O33736, Army of the United States (major, U.S. Army).

Col. James Bowdoin Stapleton, O19656, Medical Corps, U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 1960:

UNITED NATIONS

Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

ATOMIC ENERGY COMMISSION

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State

U.S. ADVISORY COMMISSION ON INFORMATION

Sigurd S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring January 27, 1963, and until his successor has been appointed and qualified.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as indicated:

Lyndall G. Beamer, of Illinois, to be a Foreign Service officer of class 8, vice consul of career, and secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 2 to class 1:

Ralph J. Blake, of Oregon.
James E. Brown, Jr., of Pennsylvania.
Joseph B. Costanzo, of New Jersey.
H. Francis Cunningham, Jr., of Nebraska.
Olcott H. Deming, of Connecticut.
Andrew G. Lynch, of New York.
Lionel M. Summers, of the District of Columbia.
Gerald Warner, of Massachusetts.
Barr V. Washburn, of Utah.

To be class 1 and to be also consul general of the United States of America

Patten D. Allen, of New York.
Norbert L. Anschuetz, of Maryland.
Miss Ruth Bacon, of Massachusetts.
Milton Barall, of New York.
J. Paul Barringer, of Pennsylvania.
Wymberley DeR. Coerr, of Connecticut.
Earl T. Crain, of Virginia.
Robert H. S. Eakens, of Texas.
John W. Evans, of the District of Columbia.
William A. Fowler, of Washington.
Eugene A. Gilmore, Jr., of Nebraska.
Sam P. Gilstrap, of Oklahoma.
John Goodyear, of New York.
Marshall Green, of Massachusetts.
Wesley C. Haraldson, of Virginia.
Ralph Hilton, of Texas.
Robert G. Hooker, Jr., of California.
Raymond G. Leddy, of New York.
Roy M. Melbourne, of Virginia.
Frederick T. Merrill, of the District of Columbia.
Armin H. Meyer, of Illinois.
John Ordway, of the District of Columbia.
Walter A. Radius, of Virginia.
Milton C. Rewinkel, of Minnesota.
Rufus Burr Smith, of Montana.
Charles Nelson Spinks, of California.
C. Allan Stewart, of Arizona.
William W. Walker, of North Carolina.
George Lybrook West, Jr., of California.
William A. Wieland, of New York.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Kenneth B. Atkinson, of Virginia.
Taylor O. Belcher, of New York.
Donald C. Bergus, of Maryland.
Lee B. Blanchard, of Oklahoma.
Louis C. Boochever, of Maryland.
Howard Brandon, of Georgia.
John L. Brown, of Massachusetts.
Stanley S. Carpenter, of Massachusetts.
Albert E. Carter, of Tennessee.
Clyde L. Clark, of Iowa.
Otho T. Colclough, of North Carolina.
William B. Connett, Jr., of the District of Columbia.
Roy T. Davis, Jr., of Maryland.
Donald A. Dumont, of New York.
William B. Dunham, of Virginia.
Robert A. Fearey, of the District of Columbia.
Seymour M. Finger, of New York.
Richard B. Finn, of New York.
Edmund E. Getzin, of New York.
Joseph Godson, of New York.
Leo M. Goodman, of New York.
Windsor G. Hackler, of Nebraska.
Theo E. Hall, of Virginia.
Paul W. Hallman, of Virginia.
Norman B. Hannah, of Illinois.
John Hay, of Virginia.
Alton W. Hemba, of Mississippi.
David H. Henry 2d, of New York.
Jack A. Herfurt, of California.
William K. Hitchcock, of Virginia.
A. Guy Hope, of Virginia.
Albert E. Irving, of Maryland.
Frederick Irving, of Rhode Island.
William G. Jones, of Maryland.
John Keppel, of the District of Columbia.
Alexander F. Kiefer, of New York.
Clinton E. Knox, of Maryland.
Max V. Krebs, of California.
John A. Lacey, of Ohio.
Edward T. Lampson, of Connecticut.
Guy A. Lee, of Maryland.
Jack W. Lydman, of New York.
Eugene V. McAuliffe, of Massachusetts.
James A. McDevitt, of Illinois.
Adrian T. Middleton, of Texas.
George T. Moody, of Maryland.
George S. Newman, of New York.
Dana Orwick, of Ohio.
Albert Post, of the District of Columbia.
Donald L. Ranard, of Vermont.
Alfred Reifman, of Maryland.
Idar Rimestad, of North Dakota.
Edward F. Rivinus, Jr., of Pennsylvania.
Robert Rossow, Jr., of Indiana.
M. Robert Rutherford, of Montana.
Edward L. Smith, of Arkansas.
John L. Stegmaier, of Massachusetts.
John H. Stutesman, Jr., of New Jersey.
Charles Wilson Thomas, of Utah.
Miss Margaret Joy Tibbetts, of Maine.
Richard W. Tims, of Maryland.
S. Roger Tyler, Jr., of West Virginia.
Sheldon B. Vance, of Minnesota.
William L. Wight, Jr., of Virginia.
Joseph O. Zurhellen, Jr., of New York.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Rodger C. Abraham, of Connecticut.
William C. Anderson, of Indiana.
John A. Armitage, of Tennessee.
Laurin B. Askew, of Tennessee.
John R. Barrow, of California.
Chester R. Beaman, of Indiana.
Frederic H. Behr, of New Jersey.
Miss Elizabeth Ann Brown, of Oregon.
Emerson M. Brown, of Michigan.
Stephen J. Campbell, of California.
Allan Chase, of Virginia.
Dennis A. Collins, of Ohio.
Stephen A. Comiskey, of Colorado.
Douglas W. Coster, of New York.
Leonard R. Cowles, of Florida.
Oliver S. Crosby, of Washington.
David C. Cuthell, of Connecticut.
Robert W. Dean, of Illinois.
Thomas J. Duffield, of Massachusetts.
William R. Duggan, of Colorado.
Lester E. Edmond, of Maryland.
David H. Ernst, of Massachusetts.
Charles C. Finch, of Kansas.
Miss Edelen Fogarty, of New York.
David L. Gamon, of California.
Edwin J. Garrity, of Virginia.
Scott George, of Kentucky.
Charles Gilbert, of New York.
William Giloane, of Maryland.
John K. Hagemann, of Maryland.
Philip E. Haring, of Pennsylvania.
Thomas R. Hodet, of Connecticut.
Adolf B. Horn, Jr., of the District of Columbia.
Alan G. James, of the District of Columbia.
Walter E. Jenkins, Jr., of Texas.
Jack R. Johnstone, of Washington.
Harold G. Josif, of Ohio.
Morris Kaufman, of New York.
William M. Kerrigan, of Ohio.
Thomas D. Kingsley, of Maryland.
Northrop H. Kirk, of California.
David Klein, of Kansas.
Francis X. Lambert, of Massachusetts.
Jerome B. Lavallee, of Massachusetts.
Frederick D. Leatherman, of Ohio.
Armistead M. Lee, of Vermont.
W. J. Lehmann, of the District of Columbia.
James F. Leonard, Jr., of Pennsylvania.
Guy O. Long, of Pennsylvania.
Albert K. Ludy, Jr., of Arizona.
Frederic K. Lundy, Jr., of Pennsylvania.
Dayton S. Mak, of New Mexico.
David J. S. Manbey, of California.
James H. McFarland, Jr., of Michigan.
Clarence J. McIntosh, of Florida.
Everett K. Melby, of Illinois.
John E. Mellor, of Connecticut.
Bruce H. Millen, of Louisiana.
George Moffit, Jr., of Connecticut.
Neil H. Muhonen, of Virginia.
George F. Muller, of Maryland.
James F. O'Connor, Jr., of New York.
John G. Oliver, of Texas.
Miss Mary S. Olmsted, of New York.
Melville S. Osborne, of Florida.
James P. Parker, of Connecticut.
Robert Person, of Virginia.
Robert M. Phillips, of California.
David Post, of Pennsylvania.
Sandy MacGregor Pringle, of New York.
Vladimir P. Prokofieff, of Virginia.
Normand W. Redden, of New York.
Robert J. Redington, of Connecticut.
Jordan T. Rogers, of South Carolina.
Morris Rothenberg, of Maryland.
J. Phillip Rourk, of California.
William T. Sandalls, of Connecticut.
Dwight E. Scarbrough, of Minnesota.
Robert R. Schott, of Oregon.
George W. Skora, of Arizona.
Walter W. Sohl, of Illinois.

Albert W. Stoffel, of New York.
William N. Stokes, of North Carolina.
William H. Sullivan, of Rhode Island.
Harrison M. Symmes, of North Carolina.
M. Gordan Tiger, of Virginia.
Francis T. Underhill, Jr., of New Jersey.
Christopher Van Hollen, of the District of Columbia.
Hendrik van Oss, of New Jersey.
Bertus H. Wabeke, of Massachusetts.
Milton C. Walstrom, of Hawaii.
Wayland S. Waters, of Michigan.
Harry J. Wetzork, of Pennsylvania.
Louis A. Wiesner, of New Hampshire.
Miss Jean M. Wilkowski, of Florida.
William H. Witt, of South Carolina.
Chalmers B. Wood, of Virginia.
Parker D. Wyman, of Illinois.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Miss Hilda M. Anderson, of Maryland.
Daniel N. Arzac, Jr., of California.
Robert J. Ballantyne, of New Jersey.
John H. Barber, of California.
George M. Barbis, of California.
Robert E. Barbour, of Tennessee.
St. John Bargas, of Louisiana.
Robert S. Barrett IV, of Virginia.
William R. Beckett, of Michigan.
Norman J. Bentley, of California.
David B. Bolen, of Colorado.
Lewis W. Bowden, of the District of Columbia.
Mrs. Mildred L. Brockdorff, of Maryland.
John A. Brogan III, of New York.
Jack B. Button, of Kansas.
William C. Canup, of Michigan.
Charles C. Carson, of the District of Columbia.
Peter R. Chase, of Massachusetts.
Willis B. Collins, Jr., of Alabama.
William F. Courtney, of Michigan.
Miss Virginia I. Cullen, of Pennsylvania.
Joseph H. Cunningham, of Nebraska.
Frank A. Davis, of Ohio.
David Dean, of Florida.
Francois M. Dickman, of Wyoming.
Arthur R. Dornheim, of Maryland.
Stephen Duncan-Peters, of New York.
William L. Eagleton, Jr., of Illinois.
Virgil M. Elliott, of Florida.
George A. Ellsworth, of Georgia.
Lawrence B. Elsbernd, of North Dakota.
Elden B. Erickson, of Kansas.
Guy Ferri, of Pennsylvania.
Thomas M. Gaffney, of Massachusetts.
Miss Elizabeth G. Gallagher, of Pennsylvania.
Millard L. Gallop, of Virginia.
Samuel R. Gammon III, of Texas.
John L. Gawf, of Colorado.
Richard D. Geppert, of New Jersey.
Loren L. Goldman, of Maryland.
H. Kent Goodspeed, of California.
Malcolm P. Hallam, of South Dakota.
Miss Betty R. Hanes, of Ohio.
William N. Harben, of New York.
William C. Harrop, of New Jersey.
Arthur A. Hartman, of New Jersey.
Robert C. Hayes, of Maryland.
Harry W. Heikenen, of Minnesota.
Mrs. Hallye A. Heiland, of California.
Herschel Hancock Helm, of Kentucky.
William A. Helseth, of Florida.
Gregory Henderson, of Massachusetts.
Richard V. Hennes, of Illinois.
Gerrit J. W. Heyneker, of the District of Columbia.
Max E. Hodge, of New York.
Paul R. Hughes, of California.
Thomas J. Hunt, of New York.
Johannes V. Imhof, of California.
Joseph R. Jacyno, of Massachusetts.
Gordon D. Johnson, of California.
Gerald G. Jones, of California.
Howard D. Jones, of Oklahoma.
Walter T. Kamprad, of California.
George R. Kaplan, of Massachusetts.
William G. Keen, of Tennessee.
George R. Kenney, of Illinois.
Miss Virginia L. King, of Nebraska.
Richard F. Kitterman, of Maryland.
William S. Krason, of New York.
John Krizay, of Pennsylvania.
Lyle F. Lane, of Washington.
Miss Lillie Levine, of Iowa.
Miss Eleanor V. Levy, of the District of Columbia.
Samuel W. Lewis, of Texas.
Philip M. Lindsay, of California.
John L. Loughran, of Pennsylvania.
Miss Doris Meltana Luellen, of California.
Mrs. Andrée P. Maddox, of the District of Columbia.
LeRoy Makepeace, of Connecticut.
Donald C. Mansfield, of Virginia.
Robert J. Martens, of California.
Miss Roberta McKay, of Michigan.
Delano McKelvey, of the District of Columbia.
Warren M. McMurray, of Georgia.
John A. McVickar, of New York.
Jack C. Miklos, of Idaho.
Paul M. Miller, of Maryland.
Robert H. Miller, of Washington.
William B. Miller, of Ohio.
George C. Mitchell, of Nebraska.
George C. Moore, of California.
Laurent E. Morin, of New Hampshire.
Albert D. Moscotti, of New Jersey.
Charles Willis Naas, of Massachusetts.
Michael H. Newlin, of North Carolina.
Edward P. Noziglia, of New York.
Frank V. Ortiz, Jr., of New Mexico.
John B. Penfold, of Missouri.
Peter J. Peterson, of California.
Lyle R. Piepenburg, of Wisconsin.
Onesime L. Piette, of New Hampshire.
Clifford J. Quinlan, of Minnesota.
James A. Ramsey, of Massachusetts.
Miss Catherine A. Rock, of Pennsylvania.
Woodward Romine, of Indiana.
Miss Helen W. Rose, of Minnesota.
Robert W. Ross, of California.
Frederick H. Sacksteder, Jr., of New York.
Edwin E. Segall, of Nebraska.
Robert G. Shackleton, of Ohio.
Lawrence W. Sharpe, of Ohio.
Max L. Shimp, of Ohio.
Emery Peter Smith, of the District of Columbia.
Paul A. Smith, Jr., of Virginia.
Eldridge A. Snight, of Virginia.
Herbert Spielman, of Maryland.
Christopher A. Squire, of the District of Columbia.
William A. Stoltzfus, Jr., of New Jersey.
Miss Cherry C. Stubbs, of Minnesota.
Michael H. Styles, of Delaware.
Sidney V. Suhler, of Texas.
Ralph C. Talcott, of Tennessee.
Robert J. Tepper, of New York.
Erwin C. Thompson, of California.
Arthur T. Tienken, of New York.
William D. Toomey, of North Dakota.
Richard D. Vine, of New York.
Robert H. Wenzel, of Massachusetts.
Miss Josephine D. Wharton, of Florida.
Frank S. Wile, of Michigan.
Robert B. Williams, of Kentucky.
Daniel L. Williamson, Jr., of North Carolina.
J. Robert Wilson, of Pennsylvania.
William D. Wolle, of Iowa.
Samuel H. Young, of Florida.

The following-named Foreign Service officers for promotion from class 6 to class indicated:

Class 5

Paul S. Dwyer, of Ohio.
Chris C. Pappas, Jr., of New Hampshire.

To be class 5 and to be also consul of the United States of America

Miss Jane S. Abell, of New Hampshire.
Dwight R. Ambach, of Rhode Island.
Miss Leona M. Anderson, of Iowa.
Robert F. Andrew, of California.
George R. Andrews, of Tennessee.
Richard B. Andrews, of Illinois.
Sam G. Armstrong, of Texas.
James H. Bahti, of Michigan.
Richard W. Barham, of Texas.
Kyle D. Barnes, of Alabama.
Charles White Bass, of Tennessee.
Frederick O. Beattie, of Virginia.
Joel W. Biller, of Florida.
Martin S. Bowe, Jr., of New Hampshire.
Merritt C. Bragdon, Jr., of Maryland.
Michael Buzan, Jr., of Florida.
Byron E. Byron, of California.
Norman L. Cansler, of the District of Columbia.
Frank C. Carlucci, of Pennsylvania.
Robert W. Chase, of Massachusetts.
Ward Lee Christensen, of Oregon.
Joseph A. Cicala, of Connecticut.
Miss John M. Clark, of New York.
Charles B. Cook, 3d, of Pennsylvania.
Dwight M. Cramer, of Nebraska.
Miss Maurine Crane, of Utah.
Miss Jane A. Culpepper, of Louisiana.
Martin A. Dale, of New Jersey.
Allen C. Davis, of Tennessee.
Thomas W. Davis, Jr., of California.
John L. De Ornellas, of Alabama.
Willard A. De Pree, of Michigan.
Morris Draper, Jr., of California.
Frank D. Durfey, of Minnesota.
Richard W. Dye, of New York.
Harland H. Eastman, of Maine.
Raymond W. Eiselt, of California.
Michael E. Ely, of New York.
Edward B. Fenstermacher, of Pennsylvania.
Richard W. Finch, of Ohio.
Eric W. Fleisher, of Maryland.
Francis L. Foley, of Colorado.
Richard Forschner, of New Jersey.
Theodore T. Franzen, of Massachusetts.
C. Jefferson Frederick, of Washington.
Gerald A. Friedman, of Florida.
Jack Friedman, of the District of Columbia.
Miss Ellen Cavrisheff, of Texas.
Robert K. German, of Texas.
Miss Eleanor Van Trump Glenn, of Georgia.
Dirk Gleysteen, of Pennsylvania.
Roderick W. Grant, of California.
William B. Grant, of Massachusetts.
James M. Hall, of Washington.
Nea C. Hallett, Jr., of Texas.
C. Norman Hanley, of Washington.
Tobias Hartwick, of Montana.
Miss Edele P. Hauber, of Minnesota.
Frank J. Haughey, of California.
Mrs. Hertha Wegener Heiss, of New York.
Clarence J. Heissel, of California.
Brewster R. Hezenway, of New York.
Charles W. Henebry, of California.
Miss Frances D. Howell, of North Carolina.
James A. Howell, of Texas.
George O. Huey, of Illinois.
Mrs. Ellen G. Johnson, of Missouri.
Richard C. Johnson, of Massachusetts.
Miss Bernice T. Jones, of California.
Miss Betty-Jane Jones, of Wisconsin.
Robert V. Keeley, of Virginia.
Miss Alice E. Kinnare, of Illinois.
Roger Kirk, of Michigan.
Henry G. Krausse, Jr., of Texas.
P. Wesley Kriebel, of Pennsylvania.
Archibald Lappin, Jr., of California.
Burton Levin, of New York.
Orville M. Lewis, of Virginia.
Robert A. Lewis, of New York.
David E. L'Heureux, of New Hampshire.
Jack Liebof, of New York.
Miss Marcia N. Lindgren, of California.
Stephen Low, of Ohio.
Miss Helen K. Lyons, of California.
John W. MacDonald, Jr., of New York.
Julian F. MacDonald, Jr., of Ohio.
Byron P. Manfull, of Utah.
Ernest J. Mansmann, Jr., of Massachusetts.
Hugh J. McCall, of New York.
Franklin O. McCord, of Iowa.
John M. McIntyre, of Illinois.
Frazier Meade, of Virginia.
Calvin E. Mehlert, of California.
Miss Ruth G. Michaelson, of Michigan.
Curtis L. Mills, of West Virginia.
John L. Mills, of Georgia.

Leo J. Moser, of California.
Harry J. Mullin, Jr., of Kentucky.
Frederick E. Myers, of Ohio.
Philip M. Nagao, of California.
Ernest A. Nagy, of Ohio.
Leonardo Neher, of Illinois.
Miss Jeanne C. Nelson II, of Arizona.
Joseph B. Norbury, Jr., of New York.
Miss Geraldine M. Oliva, of Oregon.
Miss Nancy Ostrander, of Indiana.
John G. Panos, of Illinois.
Gabriel J. Paolozzi, of Nevada.
Grenfall L. Penhollow, of Nebraska.
Frederick P. Picard III, of Nebraska.
Arthur L. Price, of Illinois.
Leon Pukach, of Maryland.
Harry A. Quinn, of California.
Miss Nancy V. Rawls, of Georgia.
Owen W. Roberts, of New Jersey.
J. Leopoldo Romero, of California.
Miss Brynhild C. Rowberg, of Virginia.
Paul Sadler, of Tennessee.
Edward W. Schaefer, of Connecticut.
Alfred Schelp, of Missouri.
Miss Ruth Schneider, of New York.
Gerald Schwab, of New Jersey.
Mrs. Ree C. Shannon, of North Carolina.
Harry W. Shlaudeman, of California.
George W. Small, of West Virginia.
Miss Violet Smith, of New York.
Michael Smolik, of Oregon.
Raymond J. Swanson, of California.
Joseph Terranova, Jr., of Maryland.
Ross P. Titus, of Illinois.
Terence A. Todman, of the Virgin Islands.
Donald R. Toussaint, of California.
Miss Frances A. Usenik, of Minnesota.
Nicholas A. Veliotes, of California.
Leland W. Warner, Jr., of Kansas.
Mrs. Margaret P. A. Welsh, of Louisiana.
John P. Wentworth, of Washington.
John Quincy White, of Minnesota.
Frontis B. Wiggins, Jr., of Georgia.
Miss Suzanne S. Williams, of Ohio.
Victor Wolf, Jr., of New York.
Arthur H. Woodruff, of the District of Columbia.
Miss Olga M. Zhivkovitch, of Illinois.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Anthony C. Albrecht, of Virginia.
J. Bruce Amstutz, of Massachusetts.
Andrew Andranovich, of Connecticut.
Oler A. Bartley, Jr., of Delaware.
Frank L. Berry, of Kentucky.
David A. Betts, of New York.
H. Eugene Bovis, of Florida.
Everett E. Briggs, of Maine.
Bazil W. Brown, Jr., of Pennsylvania.
Thomas R. Buchanan, of Illinois.
Charles R. Carlisle, of Florida.
Gordon Chase, of Massachusetts.
Richard S. Dawson, Jr., of California.
Miss Stella M. Deinzer, of New York.
Robert W. Drexler, of Wisconsin.
Thaddeus J. Figura, of Illinois.
Robert L. Flanegin, of Illinois.
Robert L. Funseth, of New York.
Paul F. Gardner, of Texas.
Miss Kathryn M. Geoghegan, of Colorado.
Ralph H. Graner, of New York.
Carl J. Grip, of California.
Walter V. Hall, of Virginia.
Charles R. Hartley, of the District of Columbia.
Roger P. Hipskind, of Illinois.
Thomas J. Hirschfeld, of New York.
Robert M. Immerman, of New York.
George W. Jaeger, of Missouri.
James T. Johnson, of Montana.
Donald A. Johnston, of New York.
Robert M. Kline, of Connecticut.
Tadao Kobayashi, of Hawaii.
Larry E. Lane, of Texas.
Robert Gerald Livingston, of Connecticut.
Alan Logan, of California.
Peter P. Lord, of Massachusetts.
James Gordon Lowenstein, of Connecticut.
Paul B. McCarty, of Massachusetts.
Robert Marden Miller, of California.
Jay P. Moffat, of New Hampshire.
Beauveau B. Nalle, of Virginia.
Edward R. O'Connor, of New York.
John L. Offner, of Pennsylvania.
Charles R. O'Hara, of Maryland.
Mark S. Pratt, of Rhode Island.
John D. Scanlan, of Minnesota.
David E. Simcox, of Kentucky.
Edward H. Springer, of Oregon.
Roger W. Sullivan, of Massachusetts.
Miss Thelma R. Thurtell, of California.
D. Dean Tyler, of California.
William Watts, of New York.
William B. Young, of New Hampshire.
Albert L. Zucca, of New York.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Dan Alexander, of Washington.
George Aneiro, of Ohio.
Terrell E. Arnold, of California.
Thomas H. Baldridge, of Iowa.
David P. Banowetz, of Louisiana.
Thomas J. Barnes, of Minnesota.
John M. Barta, of California.
Eugene J. Bashe, of California.
Frank C. Bennett, Jr., of California.
Harry E. Bergold, Jr., of New York.
Miss Emma Bernardon, of New York.
Richard C. Bialock, of Oklahoma.
Nichele C. Bozzelli, of Ohio.
Carroll Brown, of Alabama.
Eugene B. Bruns, of Maryland.
Alanson G. Burt, of California.
Robert S. Cameron, of California.
William Clark, Jr., of California.
John R. Clingerman, of Michigan.
Richard T. Conroy, of Tennessee.
Goodwin Cooke, of New York.
Emmett M. Coxson, of Illinois.
John E. Crump, of Kansas.
Robert R. Dennis, of Pennsylvania.
Robert B. Dollison, of New York.
Miss Suzanne E. Dress, of Pennsylvania.
Robert W. Duemling, of California.
Ernest A. Duff, of Virginia.
William L. Dutton, Jr., of Iowa.
Richard A. Dwyer, of Indiana.
William J. Dyess, of Alabama.
Raymond C. Ewing, of California.
Miss Mary L. Eysenbach, of Connecticut.
Charles E. Finan, of Washington.
Miss Alta F. Fowler, of Virginia.
Howard V. Funk, Jr., of New York.
George A. Furness, Jr., of Massachusetts.
Herbert Donald Gelber, of New York.
Richard J. Gibson, of Michigan.
James L. Gorman, of Oregon.
John M. Gregory, Jr., of New York.
Philip J. Griffin, of the District of Columbia.
John C. Griffith, of Connecticut.
William H. Hallman, of Texas.
Miss Jo Ann Hallquist, of Wisconsin.
Clifford H. Harpe, of Tennessee.
Miss Ange Belle Hassinger, of Louisiana.
Ashley C. Hewitt, Jr., of California.
John W. Holmes, of Massachusetts.
James R. Holway, of Illinois.
Michael P. B. Hoyt, of Illinois.
Martin Jacobs, of New York.
Alton L. Jenkins, of Massachusetts.
Warren Mark Johnson, of California.
Peter E. Juge, of Louisiana.
Frederick T. Kelley, of Massachusetts.
Edson W. Kempe, of California.
James E. Kerr, Jr., of the District of Columbia.
Walter F. Keville II, of Ohio.
John W. Kimball, of California.
Robert Kurlander, of New York.
David C. Lacey, Jr., of Ohio.
Miss Morelle Lasky, of California.
Alan F. Lee, of Illinois.
Sam K. Lesher, of Colorado.
Melvin H. Levine, of Massachusetts.
Wingate Lloyd, of Pennsylvania.
Robert S. Lowen, of New York.
George Q. Lumsden, Jr., of New Jersey.
Edward J. Maguire, Jr., of California.
Edward J. Malonis, of Massachusetts.
Wade H. B. Matthews, of North Carolina.
Henry Ellis Mattox, of Mississippi.
James A. Mattson, of Minnesota.
W. Douglas McLain, Jr., of Illinois.
Noble M. Melencamp, of Kansas.
Stanley R. Miller, Jr., of Florida.
Herbert T. Mitchell, Jr., of North Carolina.
John C. Monjo, of Connecticut.
John T. Morgan, of Illinois.
Gottfried W. Moser, of New York.
Robert B. Oakley, of Louisiana.
Oscar J. Olson, Jr., of Texas.
Ronald D. Palmer, of Michigan.
Thomas J. Pape, of Texas.
Sydney E. Paulson, of Michigan.
George A. Pavlik, of Iowa.
John A. Perkins, of California.
Miss Emily Perreault, of Illinois.
Lawrence Pezzullo, of New York.
Homer R. Phelps, Jr., of New York.
Martin Polstein, of New York.
Dale M. Povenmire, of Ohio.
Frederick D. Purdy, of Pennsylvania.
Walter G. Ramsay, of Virginia.
William E. Rau, of Missouri.
Miss Rozanne L. Ridgway, of Minnesota.
George B. Roberts, Jr., of Pennsylvania.
John T. Rogerson, Jr., of Florida.
George M. Scanlan, of New York.
Orville H. Schmidt, of Minnesota.
Roger C. Schrader, of Missouri.
Glenn E. Schweitzer, of California.
Leslie Andrew Scott, of New York.
Arthur P. Shankle, Jr., of Texas.
David D. Shobe, of Illinois.
Robert Lee Shuler, of Virginia.
John P. Shumate, Jr., of California.
William L. Simmons, of Mississippi.
Clint E. Smith, of New Mexico.
Joseph L. Smith, of Indiana.
Walter Burges Smith II, of New York.
Wayne S. Smith, of California.
C. Richard Spurgin, of Illinois.
Linwood R. Starbird, of Maine.
Andrew L. Steigman, of New York.
Gerald M. Sutton, of California.
John J. Taylor, of Tennessee.
James M. Thomson, of Minnesota.
Thomas A. Thoreson, of Illinois.
Donald C. Tice, of Kansas.
Blaine C. Tueller, of Utah.
John T. Vanderveen, of California.
Leonard A. Warren, of California.
Ronald A. Webb, of California.
Benjamin Weiner, of New York.
Alfred J. White, of the District of Columbia.
Alfred W. Whiting, of Kansas.
James P. Willis, Jr., of California.
Dawson S. Wilson, of Florida.
Herbert Gilman Wing, of Pennsylvania.
Edward C. Woltman, Jr., of Indiana.
Brooks Wrampelmeier, of Ohio.
Edward E. Wright, of Louisiana.

The following-named persons for appointment as Foreign Service officers to the grade indicated:

Class 2, consul, and secretary in the diplomatic service of the United States of America

George Dolgin, of Maryland.

To class 3, consul, and secretary in the diplomatic service of the United States of America

Merrill M. Blevins, of Kentucky.
Horace F. Byrne, of New York.
Edward A. Dow, Jr., of New York.
Thomas H. Englesby, of the District of Columbia.
Elmer M. Falk, of Virginia.
Jorma L. Kaukonen, of California.
James F. Magdanz, of Virginia.
William J. Tonesk, of Alabama.
Paul A. Toussaint, of New Hampshire.
Mrs. Virginia C. Westfall, of Virginia.
Mrs. Doris S. Whitnack, of Virginia.

To class 4, consul, and secretary in the diplomatic service of the United States of America

John Royle Baxter, of Maryland.
George M. Bennsky, of Virginia.
Irving G. Cheslaw, of Maryland.

David S. Ennis, of Florida.
Edzard S. Hermberg, of California.
Murray E. Jackson, of Illinois.
John Church Renner, of Ohio.
W. John Wilson, of California.

To class 5, consul, and secretary in the diplomatic service of the United States of America

Lawrence H. Harris, of California.
Harry V. Ryder, Jr., of Pennsylvania.
Miss Elizabeth B. Tolman, of Massachusetts.

To class 6, vice consul of career, and secretary in the diplomatic service of the United States of America

Miss Bernice M. Kelly, of Texas.
Elwood J. McGuire, of Connecticut.
William G. Murphy, of Massachusetts.

To class 7, vice consul of career, and secretary in the diplomatic service of the United States of America

Burton M. Chadbourne, of the District of Columbia.
Miss Rose M. Dickson, of New York.
Lyman W. Priest, of Arkansas.
Miss Marjorie A. Sutton, of Colorado.
James A. Verreos, of Missouri.

To class 8, vice consul of career, and secretary in the diplomatic service of the United States of America

Morton I. Abramowitz, of Massachusetts.
Francesco J. Alberti, Jr., of California.
Scott I. Amour, of California.
Carl A. Bastiani, of Pennsylvania.
Calvin C. Berlin, of Ohio.
David E. Biltchik, of New York.
John A. Bushnell, of California.
David W. Carr, of Massachusetts.
Anthony S. Dalsimer, of New York.
V. Raymond Dickey, of South Dakota.
Richard A. Dugstad, of Virginia.
Jay P. Freres, of Illinois.
Miss Marlene W. Futterman, of New York.
George G. B. Griffin, of South Carolina.
Miss Lois Haase, of Missouri.
Gabriel C. Hanson, of Illinois.
Pierre N. Hartman, of Colorado.
Martin G. Heflin, of Florida.
David C. Holton, of Virginia.
Richard F. King, of Louisiana.
Anthony S. Kochanek, Jr., of New Jersey.
William E. Landfair, of Ohio.

To class 8, vice counsel of career, and secretary in the diplomatic service of the United States of America

Paul A. London, of New York.
David W. McClintock, of California.
Harry Macy, Jr., of Florida.
Miss Priscilla E. Mitchell, of Indiana.
Miss Sandra A. Nelson, of New Jersey.
Donathon C. Olliff, of Alabama.
Gerald G. Oplinger, of Pennsylvania.
Miss Allison Palmer, of New York.
Frederick J. Piotrow, of New York.
Allen Van Potts, of Utah.
Anthony C. E. Quainton, of Washington.
Thomas J. Roesch, of Ohio.
David Rowe, of Maryland.
Thomas J. Scanlon, of California.
Miss Marilyn M. Shepherd, of North Carolina.
Richard W. Smith, of New York.
Roger A. Sorenson, of Utah.
Frederic N. Spotts, of Massachusetts.
Dirck Teller, of Maryland.
Richard S. Thompson, of Washington.
George R. Tolles, of Ohio.
Gary L. Vyne, of Arizona.
Raymond J. Wach, of Ohio.
John D. Whiting, of Wisconsin.
William B. Whitman, Jr., of Illinois.
Roderick M. Wright, of California.

The following-named Foreign Service officer to class 8, vice consul of career, and secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on Aug. 4, 1959, and confirmed by the Senate on Aug. 12, 1959.)

Arthur J. Laemmerzahl, of New Jersey.

The following-named Foreign Service Reserve officers to the office indicated:

To be consul of the United States of America

Martin H. Armstrong, of Washington.
Willard B. Devlin, of Pennsylvania.
John A. Noon, of Maryland.
Edward Stansbury, of Connecticut.

To be consul and secretary in the diplomatic service of the United States of America

Richard P. Mitchell, of Pennsylvania.

To be vice consul of the United States of America

Maurice J. Gremillion, of Texas.
Russell S. Hibbs, of Missouri.
F. Raymond Senden, of California.

To be secretary in the diplomatic service of the United States of America

Richard T. Akins, of California.
Edwin U. C. Bohlen, of Maine.
G. Stanley Brown, of Oklahoma.
James P. Burke, of Maryland.
William A. Campbell, of California.
Harold C. Champeau, of Maryland.
Thomas J. Flores, Jr., of New York.
Joseph E. Lazarsky, of Virginia.
Robert D. Murphy, of Maryland.
Oliver M. Silsby, of Maryland.

The following-named Foreign Service staff officers to be consul of the United States of America:

Roger K. Ackley, of Maryland.
Arthur C. Bartlett, of Connecticut.
William L. Green, Jr., of North Carolina.
Preston Valien, of Tennessee.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 3: 9: *We are labourers together with God.*

Our Father God, we rejoice that in every age there have been those who lift up hands in prayer and find in Thee a refuge. Put into our hearts that restlessness that calls to Thee in the voice of love, of intercession, of thanksgiving.

Let not our hands be withered by the selfish apathy of indifference in this time of international tension, of misunderstanding, of fear. Rather, may they be stretched forth in loving service at Thy command.

Amid surrounding temptations, grant us, hour by hour, the strength to be Thy disciples. Open our hearts and minds to the needs of those in whose midst Thou hast placed us, that we may live among them as the salt of the earth.

Forgive our many failures to live worthily as Thy children. Grant each of us grace enabling us in thought, word, and deed, so to live that Thy kingdom may come and Thy will be done on earth as it is in heaven, through Jesus Christ, our Lord. 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.

DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDERS GRANTED FOR MAY 11

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that immediately preceding the special order granted me for May 11, the following Members may be permitted to address the House in this order: Mr. COOLEY, of North Carolina, for 30 minutes; Mr. POAGE, of Texas, for 30 minutes; and Mr. WHITTEN, of Mississippi, for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESERVE THE NATIONAL FORESTS

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

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

There was no objection.

Mr. DOWDY. Mr. Speaker, the national forests have become highly important to the economy of the areas in which they are situated. This is particularly true of the Seventh Congressional District of Texas, which I am honored to represent. Our national forests are highly developed and well managed. They provide large supplies of raw material for industry, and create employment for many people living in the area. A generous portion of the proceeds from timber sales is paid to the counties and school districts in lieu of taxes. In addition, the national forests provide recreation facilities, range, water conservation and wildlife preserves.

Periodically, and particularly in election years, these national forests in East Texas become a political football, as special interests seek to obtain ownership and control. This should not be.

The forests have been brought to the stage of near maximum production at the expense of the taxpayer. They are now paying a profit—one of few Government ventures that do show profit. For many reasons, these forests should be preserved for posterity. Need for them will increase, and their value will be greater with passing years. So long as I am a Member of Congress, I will continue to oppose any proposal to sell, give away or otherwise dispose of the national forests in our area. I am sure most of you feel the same way.

There is a pending House bill, H.R. 10465, to confirm management of our national forests by the National Forest Service under the Department of Agriculture. This bill should be enacted, and when it comes up for vote, I ask your consideration and support of an amendment to assure that ownership of the national forests remains with the people and does not pass into the hands of vested interests.

WORLD DAY OF PRAYER

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, today has been set aside by many Christians in our country and all over the world as "World Day of Prayer."

No matter what church we belong to, we who live and work in these troubled times, both at home and abroad, know the necessity of prayer. We are happy that this day is another reminder that we have the power to turn to Him who has all power and glory, to ask His blessing upon us, upon our work here and upon our country.

Our Chaplain has just used one of the prayers suggested for today by the National Council of the Churches of Christ in their "Call to Prayer." He has read the text for today:

For we are laborers together with God, ye are God's husbandry, ye are God's building.

This we believe and so, believing, we are well assured that under all things are the Everlasting Arms.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

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 ask for this time in order to inquire of the majority leader concerning the program for next week.

Mr. McCORMACK. Mr. Speaker, Monday we will take up the Consent Calendar.

There are several suspensions.

First. H.R. 7279, to authorize Hubbell—Arizona—Trading Post National Historical Site.

Second. H.R. 7579, land acquisition, Pan American Health Organization.

That is, if these bills are not passed on the Consent Calendar, or some of them.

Third. S. 601, construct Bardwell Reservoir.

Fourth. H.R. 5055, relating to real estate in St. Augustine, Fla.

Fifth. H.R. 9084, relating to retirement promotion, Coast and Geodetic Survey.

Sixth. H.R. 9599, authorizing service to Canadian vessels in Alaska ports.

Seventh. H.R. 10840, to amend the Shipping Act regarding rate contracts.

Eighth. S. 1712, to extend the Motor Boat Act to possessions of the United States.

Ninth. S. 2185, recognition of SS *Meredith Victory*.

Tenth. S. 2482, relating to geographical limitations, Coast and Geodetic Survey.

Eleventh. S. 2483, relating to the Coast and Geodetic Survey and Weather Bureau functions.

Then there will be the continuation of the consideration of the bill H.R. 8601, the civil rights bill of 1959, and that will proceed until it is disposed of. After that will be the bill H.R. 5, the foreign investment incentive bill of 1959. I understand about 30 minutes remain in general debate on that bill.

I make the usual reservation that any further program will be announced later, and that conference reports may be brought up at any time.

Further, I understand there are two or three reports out of the Committee on House Administration in relation to funds for a number of different committees of the House. I do not have those resolutions before me, at this time, but of course they will have preferential status and will be listed for the information of the House.

In all probability the following bills will be brought up next week:

House Resolution 437, to provide an additional $15,000 for the Committee on Interior and Insular Affairs;

House Resolution 441, to provide an additional $168,000 for the Committee on Education and Labor—technically amended;

House Resolution 460, to provide an additional $400,000 for the Committee on Government Operations;

House Resolution 472, authorizing the printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest";

House Concurrent Resolution 607, authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and an additional 1,074,000 to be printed for congressional distribution—2,000 copies to each House Member and Senator;

Senate Concurrent Resolution 80, authorizing the printing of 1,000 additional copies of part I of the hearings on an inquiry into the satellite and missile programs;

H.R. 7923, to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts;

House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune;

House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and the Representative from Hawaii the first official flag of the United States bearing 50 stars which is flown over the west front of the Capitol;

Senate Joint Resolution 128, to establish a commission to formulate plans for a memorial to James Madison; and

A resolution declaring that Representative WINT SMITH was duly elected to the 86th Congress from the Sixth Congressional District of Kansas.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 361)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the second semiannual report of the National Aeronautics and Space Administration, covering the period April 1, 1959 through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 27]

Anderson, Mont.	Derwinski	Montoya
Ayres	Diggs	Moore
Barry	Edmondson	O'Brien, N.Y.
Baumhart	Gray	Powell
Becker	Green, Pa.	Quie
Bennett, Mich.	Hess	Rogers, Tex.
Bentley	Jackson	Scherer
Blitch	Johnson, Colo.	Shelley
Brewster	Judd	Sheppard
Broomfield	Kasem	Taylor
Burdick	Landrum	Ullman
Carnahan	Miller, N.Y.	Van Pelt
Cederberg	Minshall	Willis
	Mitchell	

The SPEAKER. On this rollcall 391 Members have answered to their names, a quorum.

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

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from Ohio [Mr. McCULLOCH], and the substitute amendment of the gentleman from New York [Mr. CELLER] to the McCulloch amendment.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. McCULLOCH: On page 3, line 21, strike out the word "shall" and insert "may".

Mr. MEADER. Mr. Chairman, the effect of this amendment is to permit the court, appointing a referee, to specify whether or not the proceedings before the referee will be ex parte or adversary. I think this amendment should be accepted.

Mr. Chairman, I voted for the Civil Rights Act of 1957. In the Antitrust Subcommittee of the Committee on the Judiciary, I voted for the civil rights bill introduced by the gentleman from Ohio [Mr. McCULLOCH], to report it to the full committee. Actually the subcommittee reported the bill of the gentleman from New York [Mr. CELLER].

I attended the lengthy executive sessions of the Committee on the Judiciary and voted to report out the bill which is before us, H.R. 8601, and I intend to vote for the bill.

We did not have before us the so-called voting referee proposal when we considered and reported H.R. 8601. I attended both of the hearings that were held on that proposal last month and participated actively in the discussion.

I must say, Mr. Chairman, on an issue of this kind, on a national policy so important as guaranteeing the right to vote to all citizens, we may have a tendency to be impatient and perhaps to take shortcuts. And I may say that in the discussion of the amendments which have been acted upon before, many of us who have been doubtful about the provisions of the original voting referee bill I believe have made a contribution to the improvement of that measure because the bill H.R. 11160 we now have before us is far superior to the original bill H.R. 10035, primarily in guaranteeing due process to the persons affected thereby.

Mr. Chairman, this amendment is important, and I want to quote from the hearings because, when Judge Walsh appeared before us he did not insist on the ex parte type of referee proceeding. I want to quote from page 5, starting with the question asked by the chairman of the committee, the gentleman from New York [Mr. CELLER]. His question was:

In other words, you do not spell out the nature of the proceeding before the referee at all?

Mr. WALSH. No, sir.

I realize that there has been some comment that that would be desirable. We have no rigid views on that. We felt that this should be left in the hands of the local Federal judge. He knows his community, he knows his problem, he knows his people, and he knows his referee that he is going to appoint. He can control all that in his own discretion. But, I have submitted this morning, not as a recommendation of the Department, but as language to show how these incidental procedures could be spelled in greater detail than the Attorney General's proposal and Congressman McCULLOCH's bill now spell them out.

Mr. MEADER. Are you referring to page 7, where you say the court will provide in its order for notice to the other parties, and so on?

Mr. WALSH. Page 7 of my statement; yes, sir.

Mr. MEADER. You think that is what the court will do, but you do not think it should be written into the law, that the procedure that you outline on page 7 should be incorporated in the bill as a requirement?

Mr. WALSH. That is right. I did not think it was necessary. I think any judge would do it that way, Congressman MEADER. That is the way he would do it.

The only thing we needed this bill for was to make clear what the applicant would have to show in order to qualify to vote before the referee. That was the important part of the bill.

The incidental procedures of how the referee shall report to the court and when, and exactly how notice will be given to the other parties of the action, we intend to leave to the judge. He would follow the usual practices you do where you have a referee to report to you.

Mr. MEADER. Well, it is conceivable that the judge in his order appointing the referee might provide, not for an ex parte proceeding, but an adversary proceeding before the referee.

Mr. WALSH. He could. He could do that.

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

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

Mr. WILLIS. I want to ask this question as a matter of legislative history. Do I correctly understand that what the gentleman has in mind, the import of his amendment, is to the effect that a proceeding before the voting referee shall be conducted under such rules as a Federal judge may himself promulgate from time to time?

Mr. MEADER. That is precisely the effect of my amendment, to do precisely what Judge Walsh said he thought would happen if no language to that effect were in the bill at all.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER] may proceed for 5 additional minutes.

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

There was no objection.

Mr. WILLIS. Specifically these rules would be left to the Federal judge. It is definitely understood, I take it, that it will not be left up to the referee to determine whether or not the proceedings will be ex parte. That will have to be under the direction of the judge.

Mr. MEADER. In the order appointing the referee the judge would specify whether the referee would proceed upon an ex parte or an adversary basis. As I understood the testimony of Judge Walsh, that was all right with him when he appeared before our committee on February 9.

I read another passage from the proceedings of the same day, at the bottom of page 9:

Mr. MEADER. This question of procedure again comes up. The referee proceeds, as I believe you said, on an ex parte basis.

Mr. WALSH. No. That is the way I would assume the judge would have him proceed. That is the way it is anticipated he would proceed.

Mr. MEADER. I think in most referee and master proceedings, all parties to the controversy are given an opportunity to be present, to present evidence, to cross-examine witnesses and be heard before a referee, and some kind of a record is maintained of the evidence. There is nothing in here that provides for notice to the parties against whom a decree is going to run; there is no provision for their appearance, presentation of evidence, cross-examination of witnesses, or the preservation of a record of the evidence.

Mr. WALSH. That is all left to the judge. The anticipated procedure is that he would have the referee report to him as to the qualifications of individual applicants, and when he had enough to conduct a worthwhile hearing on it, he would give notice to the State registrar and to the other parties of the original, underlying proceeding, so that they could come in and except to the referee's report and be heard to whatever extent they are entitled to be heard before the court itself.

I know the gentlemen opposing this amendment will say, Yes, the referee proceeds in a star chamber proceeding hearing only the applicant, and the people who are charged with having denied the right to vote are not entitled to be present, they are excluded. Then after the report is served on the defendants by the attorney general with an order to show cause, they may come in and file exceptions to the report of the referee. Then if there is an issue of fact the court may hear that issue of fact himself or refer it back to the referee.

I believe that the court, if it feels that it should, should have the discretion to provide that those against whom the contempt order of the court is going to run should be able to participate in the making of the factual record upon which they will be held in contempt of court, right from the very beginning.

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

Mr. MEADER. I yield.

Mr. SMITH of Virginia. Would the gentleman indicate in which line on page 3 the word "shall" will be changed to "may"?

Mr. MEADER. Line 20, page 3. The sentence would then read as follows:

In a proceeding before a voting referee, the applicant may be heard ex parte.

Not "shall be heard ex parte."

Mr. Chairman, I think we have an obligation to make this bill, if it becomes law, one that will be upheld by the courts.

If there is a denial of due process, that will be one ground upon which this bill would not become operative. If there is anything we can do, in addition to what we have done, to make certain this law will work, I think we have an obligation to do it. I believe when we vest discretion in the court to specify whether the referee proceed on an ex parte or adversary basis, we strengthen the law and avoid one ground on which its constitutionality could be challenged.

It seems to me that it is only proper and that it will insure that persons who will be charged with contempt on the record made by the referee will not have been denied their day in court. That is something, which to me, is rather against our whole system of justice, to have important findings that may affect the liberty of an individual made in an ex parte star chamber proceeding. What is wrong with an adversary proceeding?

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

Mr. MEADER. I yield.

Mr. HOLTZMAN. The gentleman speaks of important findings. Naturally, the only findings the voting referee can make is as to the applicant's age or residence and his or her prior efforts to register and vote; is that not so?

Mr. MEADER. The findings of the referee would be as to whether the person was qualified to vote under the State law, and, second, that he had been deprived of the right to register.

Mr. HOLTZMAN. What is wrong with having a referee administratively determine those things ex parte? What is so important about those particular findings that we must open the door to another contest each and every time?

Mr. MEADER. I say it is important for the referee to get the truth, and the best way to get the truth is to have both parties to the controversy present there before him.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, anticipating the amendment offered by the gentleman from Michigan, I communicated with the Department of Justice to get their views on this very matter. I now read a communication I received from Deputy Attorney General Lawrence E. Walsh:

I understand that Mr. MEADER has proposed an amendment to the voting provisions of the administration's civil rights bill—

As a matter of fact, I should say it is not necessarily the administration's civil rights bill—the bill bears my name—but, however, continuing—

which would make it discretionary for the judge who appointed the referee to provide that the proceedings before the referee be adversary proceedings rather than ex parte.

As you will remember, the bill which was first submitted on this subject did not prescribe the procedure to be followed before the referee, and it was originally—

And I emphasize the word "originally"—

it was originally the view of the Department of Justice that this could be left to the discretion of the judge. This was my view at the time I testified before the Judiciary Committee on February 9, as I also testified—

And the distinguished gentleman who offered the amendment does not point that out—

I also testified, however, it was always the assumption of the Attorney General and me that the proceedings before the referee should be ex parte.

Mr. Chairman, I should now like to read what the Deputy Attorney General, Judge Walsh, said in that regard. The distinguished gentleman from Michigan read only part of his testimony. What I am about to read from now is to be found on page 10 of the committee hearings.

Mr. MEADER. Mr. Chairman, will the gentleman yield since he has referred to me?

Mr. CELLER. I yield.

Mr. MEADER. I am sure the gentleman from New York did not hear me read that, but I did read that part of his testimony.

Mr. CELLER. The gentleman says he read the testimony on page 10?

Mr. MEADER. I read it, and he said, "Certainly, he anticipated that." It is on pages 5 and 6 and pages 9 and 10.

Mr. CELLER. Yes; but I want to continue and I should like to read this and I should like the members of the committee to harken faithfully unto what Judge Walsh said, and you will find this on page 10:

Mr. MEADER. My attention has been called to a mimeographed draft with no number and no indication who the author is. On page 2 of this draft, it expressly directs that the application shall be heard ex parte.

Mr. WALSH. I can explain who the author is of this draft, because it is the Department and I. The purpose of the draft was this:

There had been considerable comment exactly along the lines on which you have been proceeding: that the procedures before the referee are not spelled out, and there is not a clear understanding of how this would proceed before the referee, and how it would come to the court, and where there would be opportunity to be heard, and so forth.

We thought that this was all a matter which should be left in the hands of the Federal district judge. He will provide for all that in his order. He issues an order of injunction, and he appoints a referee, and then he is going to tell the referee exactly how he wants him to proceed, whether ex parte or how, and when he is to give notice to the other parties, and so forth. That would all be laid out in the district judge's order in the basic case in which the court found a pattern of discrimination.

But if it were felt by Congressman McCULLOCH or any member of this committee that this would be better clarified, this language has been prepared which I have just submitted, and which I should like to make a part of the record, if the chairman will permit it——

And the language is as we have it in H.R. 10625.

Now, going further and reading from the letter just received from the Deputy Attorney General, I find the following:

When it was so clearly indicated by the members of the committee that the procedure to be followed should be spelled out in greater detail, we undertook to do this, prescribing the procedures not only before the referee but before the court as well. The result was the bill which was introduced as H.R. 10625.

This bill, in addition to requiring that the proceedings before the referee shall be ex parte, also provided the exact manner in which exceptions to the referee's report should be determined. Whereas the original bill would have required the court to accept the findings of the referee unless clearly erroneous, H.R. 10625 and the later draft of the bill do not contain that provision.

I think the gentleman from Michigan will remember there was a change where the bill was modified, and the word "erroneous" was stricken.

As now drawn it requires an adversary proceeding at that point after the report of the referee is submitted to the court. To permit the proceedings before the referee also to be adversary proceedings would cause unnecessary duplication. It would result in the matter being tried out in adversary fashion before the referee and then again on exceptions before the judge. This would be altogether too cumbersome.

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

(By unanimous consent, Mr. CELLER was granted 5 additional minutes.)

Mr. CELLER (reading):

There can be no justification for such duplication which will only throw new difficulties in the path of the applicant.

Having now spelled out in detail the procedure to be followed from beginning to end, there is no place or need for adversary proceedings before the referee. The rights of all parties can be adequately protected by exceptions raised to his report.

When the matter comes before the referee, all he determines is whether an individual is qualified under State statute. To make that an adversary proceeding, with all that it implies, with examinations, cross-examinations, the subpenaing of all records, cross-examinations, redirect examinations and recross-examinations, the matter will be drawn out until kingdom come. Therefore you will have the same situation that we would have if we had adopted the amendment offered by the gentleman from Louisiana [Mr. WILLIS], which we turned down.

For that reason, I hope that the amendment offered by the gentleman from Michigan [Mr. MEADER] will be rejected.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has again expired.

Mr. BUDGE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, at an appropriate time it will be my purpose to seek recognition to introduce an amendment to this bill and which I think should be adopted.

When one goes back to the enforcement acts, to implement the Reconstruction Act, back in 1870, and again in the recommendations of the Civil Rights Commission and again in the original registrar proposal of the gentleman from New York, the distinguished chairman of the Judiciary Committee, and when we read the expressed sentiments of the distinguished gentleman from Ohio, the ranking Republican member of the committee, we find that throughout there has been always a limitation that the Federal procedures shall be limited to elections of Federal officials.

What has happened in this last draft which was introduced on March 14? Instead of containing any limitation as to Federal officials or any Federal connection, in any event, this bill now covers every election which is held in the United States. It covers all municipal elections; it covers all school trustee elections, highway trustee elections, it covers all bond elections, all local option elections; as a matter of fact, in my State of Idaho we have had very vigorous campaigning recently in our municipalities on what is called the dog-leash law. It has attracted real attention. The sole issue is whether or not a dog off the owner's premises should be required to be constrained with a leash.

The bill we are now considering would permit the invoking of Federal procedures in such an election as it would with every municipal officer, every county officer, and all of the other subdivisions of the individual States.

My proposal is simply this: I do not restrict it to Federal officials only, or Federal offices, but I propose to offer language which will not take anything from the bill but will simply provide that these Federal procedures shall be invoked only when there is a Federal official on the ballot. In other words, if there is a candidate for the U.S. Congress, if there are presidential electors, or if there is any other possible Federal connection, then the Federal procedures can be invoked, and the individual shall be entitled to vote for every proposition on the ballot and every public official being voted on in that election.

I note that our great President in his news conference day before yesterday said he thought far too much Federal interference had been injected into this question and he hoped the States would be permitted to resolve some of these things locally.

There is absolutely no justification for requiring Federal intervention in purely local matters, and I sincerely hope I may have the support of the committee.

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

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

Mr. CELLER. I asked the gentleman to yield merely for the purpose of correcting the RECORD, and I am sure the gentleman does not mind being corrected. The gentleman made reference to the old Reconstruction statute and stated it applied only to Federal elections. I have the old Reconstruction statute right before me. It reads as follows:

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, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote in 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.

I am referring to the United States Code Annotated, title 42, page 62. We have the citations of the Supreme Court which held that the original statute was constitutional and when we had the 1957 act before us we used this exact wording. In the 1957 act where there has been proscription under color of law, where there has been a denial under color of law, by a State authority or State official, that act applies to all elections, Federal, State, municipal, parish or county—all elections. I can assure the gentleman that he may not be correct in his citation in view of the old language.

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

(By unanimous consent, Mr. BUDGE was allowed to proceed for 5 additional minutes.)

Mr. BUDGE. I may say to the distinguished chairman of the Committee on the Judiciary, and I hope he is noting what I am about to say, the act which he read is the basic act. The enforcement provisions, as I have previously said, of the Reconstruction days were limited to Federal officers. We are here considering an enforcement statute. I have heard it said if this amendment were adopted, that in the South they would change the dates of their elections so they would not coincide. If there is a boobytrap in this law that would be it. Actually you are restricting all of the rest of the country. In the Southern States, as we all know, nomination on the Democratic ticket is tantamount to election. All they have to do in the Southern States is to abolish their primaries and nominate in convention and they have gotten over any objection which can be made to this amendment. It is the remainder of the country which will be left with this Federal projection into purely local affairs.

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

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

Mr. COLMER. I am wondering whether the gentleman from New York [Mr. CELLER], under his interpretation of the law, is now advocating—and I would like to have his attention—that we return to the dark days following the Civil War and enact the type of legislation that would make the South again in servitude and under the domination of the black man?

Mr. BUDGE. I would say to the gentleman I think we might proceed with this observation too, that the Celler bill requiring registrars to supervise elections is limited to Federal officials, a much more restrictive provision than I intend to offer later on.

Mr. COLMER. Again I would like to have the attention of the distinguished gentleman from New York [Mr. CELLER]. I am going to present another question to him.

When he started this matter of referees he started it by introducing the so-called registrar bill. Now, that registrar bill which he introduced after the committee reported out the bill under consideration here, provided only that the provision would be effective for the election of Federal officials.

Mr. BUDGE. That is right.

Mr. COLMER. That is in his bill. The gentleman had in mind, evidently, he wanted to stay within the recommendations of the Civil Rights Commission which recommended on pages 141 and 142, and I cannot take the gentleman's time to read it, that only elections involving Federal officials would come under that plan that they recommended should be applied. But the gentleman goes beyond that, as does the gentleman from New York, and wants to make it apply to all elections.

May I ask the gentleman from New York again, is he advocating return to the Reconstruction days in this matter?

Mr. BUDGE. Of course, I think this is very pertinent, that the legislation introduced by the gentleman from New York in restricting it to Federal officials was far more restrictive than the proposal which I intend to offer and which I think is very reasonable and certainly more within the framework of the Constitution.

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

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

Mr. POFF. The gentleman a moment ago, I believe, made reference to what he called the Reconstruction Act and said that the Reconstruction Act applied only to election of Federal officers. I wonder if the gentleman did not have reference to the Enforcement Act of 1870 and 1871 which did apply only to Federal elections, as I am advised.

Mr. BUDGE. I am quite sure that is what I said.

Mr. POFF. And if the gentleman will yield further, I believe that it should be made plain that the difference lies in the fact that the Enforcement Act to which the gentleman intended to refer had to do with Federal supervisors of elections in the South following the War Between the States.

Mr. BUDGE. I thank the gentleman.

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

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BUDGE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

There was no objection.

Mr. BUDGE. I yield, but I wish the gentleman would direct his remarks as to why he has changed this proposal now to make it include all elections instead of just applying to Federal offices, which was the original proposal in the Celler bill.

Mr. CELLER. I first want to indicate that the recital of the situation by the gentleman from Virginia is correct. I think it coincides with what I said, because there are two distinct old statutes, one, the Reconstruction statute and then the one with reference to Federal registrars, or whatever it was called in those days. Now, as to why I want this bill to apply to both Federal and State elections, it strikes me that if you wanted it to apply only to Federal elections, then you must admit that there is something wrong, and if there is a wrong, that is, a denial of the ballot in

Federal elections, why do you not go all the way and remedy the entire wrong? There must be a wrong also in the denial of the State ballot, and for that reason——

Mr. BUDGE. Mr. Chairman, I decline to yield further, because my time is about up and I want to reply to the gentleman. I would say that the question of right or wrong need not be considered here. It is simply a question whether or not there is a Federal interest in an election in a municipality in Idaho to elect a constable, and I do not think there is any such Federal interest. I also object to setting up this elaborate and expensive procedure where there is no Federal connection. I also think that the gentleman may jeopardize the constitutionality of this legislation by making it as broad as he has done in this most recent proposal. It certainly was not the original proposal that he was talking about when he blamed the Republicans for keeping this bill in the Committee on Rules.

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

Mr. BUDGE. I yield.

Mr. CELLER. The basis for making this proposed statute apply to all elections is found in the 15th amendment, which is very simple, and it says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have the power to enforce this article by appropriate legislation.

The amendment does not say only Federal elections. The amendment says the right to vote. And it has been construed quite frequently that when the Constitution says the right to vote it means in all elections, not only in Federal elections.

Mr. BUDGE. Mr. Chairman, I would say in answer to the gentleman that the 15th amendment says this: It guarantees the right to vote; period. We can say that that means for Federal officials. We can read into it what the gentleman is trying to read into it, that it applies to State and local officials. Or we can take it one step further and make it apply to officers of the Elks Club. Maybe we can even make it apply to the office of Idaho State princess in the cherry blossom festival.

Mr. MORRIS of Oklahoma. Mr. Chairman, I rise in support of the Meader amendment.

Mr. Chairman, if the Meader amendment is adopted I think it will improve the bill considerably. I am still very doubtful about the constitutionality of the bill and about the general idea of these referees, and so on.

Mr. Chairman, I went over to the Congressional Library this morning, because I was interested in some legal phases that are involved here that I think are extremely important. I would like to call them to your attention.

It was argued that there is no such thing as a conclusive presumption and at the end of the debate yesterday that statement was challenged. Now I have here the law, very briefly stated, in regard to that matter. I might say that the distinguished gentleman from Georgia [Mr. FORRESTER] asked me to yield and he raised that question and I agreed with him, that I knew of no such thing as a conclusive presumption. I meant by it and my judgment is that he meant by it and all of us meant, who argued that way, that you cannot conclusively presume against somebody who is not in court. You just cannot do that; it is utterly impossible as I see it. There are certain technical conclusive presumptions and concerning that, I should like to read this brief statement. This is from the Cyclopedia of Law and Procedure, volume 16, under the subtitle of "Evidence," at page 1080, under title C. I especially direct this to the attention of those Members who are lawyer Members of the House:

> C. PSEUDO-PRESUMPTIONS OF LAW
>
> 1. In general: Certain so-called presumptions of law deal with no inference of fact; they are usually paraphrases for a rule of substantive law or administration. This is universally true of those termed "conclusive" presumptions—a term which is a misnomer, since ex vi termini a presumption is rebuttable.

So there is no question, as I view it, but that there is no such thing as a conclusive presumption in law in reality even though it is sometimes called that. Now I would like to read something else, and I would like particularly the gentleman's attention in regard to this, because it seems to me this goes to the very vitals of this situation. As I said, I went over to the Congressional Library to look this up and I found that the following statement is made in "Words and Phrases"—permanent edition, volume 33—at page 492:

> A "presumption" can arise only from facts actually proven by direct evidence. A presumption is not a legitimate foundation for a presumption. If this were not true, there would be no limit to conjecture (*Thayer* v. *Smoky Hollow Coal Co.* (90 N.W. 718, 721, 121 Iowa, 121)).

So you cannot base a presumption upon a presumption.

This bill provides, referring to the person who complains:

> His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

On that there is a presumption. Now you are going to base upon that presumption that some other registrar has failed to do his duty and has discriminated, so you are basing a presumption on a presumption. Not only are you bringing about a conclusion that has been called a conclusive presumption against people that are not in court, you are also basing a presumption upon a presumption. I doubt seriously if you can do that.

The reason I support the amendment offered by the gentleman from Michigan [Mr. MEADER] is that when he strikes the word "shall" and uses the word "may" it is possible, at least, that a judge controlling the matter might be able to operate lawfully and constitutionally under this proposed law. That is a possibility. But as it is now, I doubt seriously if it would be possible to operate under the law constitutionally.

As I have said before, I do not like to use the word "extreme" because I cannot look into the minds of other people. I truly respect all of my colleagues here on both sides. It may be that there are some distinguished ladies and gentlemen in the House who would like to see no bill at all written. There may be some who are willing to write almost any kind of a bill. I do not mean that disparagingly and do not say it is positively true but they apparently feel so deeply about it that they may feel that most any kind of a bill should be written or that none at all should be. I do not belong to either school if such they be. I should like to see a bill that will do definitely all the law can do to do away with discrimination. I want to see every qualified citizen given the right to vote, and I want to help all I can along that line. But when we pass a law, I want it to be good law, that will not be an unconstitutional law or one that will be disruptive of the general welfare of the country and that may do more harm than good. That is why I am so deeply interested in this matter.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last three words.

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

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

Mr. HOLTZMAN. The gentleman from Oklahoma spoke of a presumption based upon a presumption. I am sure the gentleman from Ohio will agree with me that that is not the situation in this bill. The fact is that the pattern or practice will have been established, and the law of the case would be that there has been a deprivation. Is not that right?

Mr. McCULLOCH. I agree with the distinguished gentleman from New York. He has correctly stated the effect of the provisions of this bill.

Mr. Chairman, I regret the necessity of opposing the amendment of my able friend from Michigan. He has worked so diligently, so ably, so carefully, and so effectively on this bill in almost every other field that I am unhappy to oppose his amendment. But I want to say this. The amendment offered by the gentleman from Michigan would make it possible to substitute for the ex parte procedures of my voting referee bill a full-scale hearing before the voting referee at which State officials would have an opportunity on notice to appear and be heard.

The mechanics of this whole thing are as follows: First of all, the Attorney General of the United States brings a suit in the Federal court and therein establishes the fact that some people have been denied their right to vote by reason of discrimination solely on grounds of race and color. Therefore, the Attorney General in the same case makes an application to the court to find that that pattern exists. Thereafter and as a part of the same proceeding, the court appoints a referee to receive applications from people who are otherwise qualified to vote under State law and who have been denied the right to vote by reason of race and color.

This amendment of the gentleman from Michigan would set up another

adversary proceeding or hearing where witnesses, both pro and con, would be heard on such application. The type of hearing under this amendment or the authority under this amendment would of necessity be declared at the time the pattern or practice was found by the court because thereafter, without it, the referee would proceed ex parte, anyway. For that reason, Mr. Chairman, I think the amendment ought to be defeated.

Mr. MEADER. Mr. Chairman, will the gentleman yield for a correction?

Mr. McCULLOCH. I am glad to yield for a correction, always.

Mr. MEADER. I want simply to state that the record should show it is permissive with the court. The court could still order the referee to proceed ex parte, if my amendment were in the law.

Mr. McCULLOCH. I agree with the statement of the gentleman from Michigan, but the significant part of the amendment is this, when the pattern is determined and when the referees are authorized and appointed, then the court would of necessity exercise the discretion under the Meader amendment. If no adversary proceedings were ordered, then there would be an ex parte proceedings ordered. But, if adversary proceedings were ordered and the hearings were had, it would apply to every application before the referee even if there were 5,000 separate and distinct applications. You can see that the amendment is unworkable and for that reason the amendment ought to be defeated.

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

Mr. McCULLOCH. I yield.

Mr. HOLTZMAN. If this amendment, which has been offered by the gentleman from Michigan [Mr. MEADER] were adopted would it not actually defeat the whole purpose and intention of this civil rights legislation?

Mr. McCULLOCH. It certainly would. Finally, Mr. Chairman, this amendment would give voting officials who have already been found twice guilty of discriminating against people, by reason of race or color who are qualified to vote a third day in court. Such procedure is not in accordance with the expeditious disposition of contested rights in America.

The amendment should be defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

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

Mr. GROSS. I yield.

Mr. MEADER. The gentleman from New York [Mr. HOLTZMAN] made the statement that this amendment would defeat the whole purpose of the bill. That is an extravagant remark, and I think the RECORD should show that the Department of Justice witness, Judge Walsh, testified that that was their intention originally, to leave it to the discretion of the local judge. That is all that my amendment would do. It would do precisely what the Department of Justice witness suggested at our hearings on February 9.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield to me to respond to the gentleman's statement?

Mr. GROSS. I will yield in just 1 minute. That is just about as extravagant as the remarks we heard here in 1957, when another civil rights bill was before the House and we were told that unless trial by jury in contempt cases was outlawed it would wreck the purpose of that bill. Yet the other body took the bill passed by the House and reestablished the right to trial by jury in contempt cases. Is that not correct? Yes, I will say to the gentleman from Michigan, just as extravagant as some of the claptrap we heard in 1957.

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

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

Mr. HOLTZMAN. In response to the gentleman from Michigan, I should like to refer to the fact that the Attorney General, after mature consideration, changed the statement about what he said at the committee hearing.

Mr. GROSS. I would like to have the attention of the gentleman from New York [Mr. CELLER] to get the answers to a question or two. I am disturbed about this referee proposition. Do I understand correctly that a referee can conduct hearings in the climate of a star-chamber session, if he so elects?

Mr. CELLER. At that particular stage to which the gentleman refers, he does exactly what a State registrar does. When an applicant comes before a State registrar, he will say, "What are your qualifications?" He will say, "I have resided in this community a certain length of time. I am of a certain age. I pay my poll tax. I want to register so I can vote."

Then the registrar, acting in a proper official way, registers the man. If he says, "I do not think you have been here long enough; I do not think you are a citizen," the applicant may have to come back and bring a birth certificate. Under the State law, he may have to bring two or three witnesses who were present at the time of his birth.

Those are administrative functions. That is all the referee would do at that point—act in the same administrative fashion as a registrar does under the State law.

Mr. GROSS. I am not an attorney, and in all seriousness I want to know if that is all the authority that the referee has.

Mr. CELLER. To all intents and purposes, that is all the authority he has. He determines whether a man is qualified; whether he has been denied the right to register or the right to vote on the basis of the principle of practice or pattern of discrimination. If the principle or pattern of discrimination has been established by a judge, then the voting referee, when he confers with the individual who happens to be a Negro, assumes that he has been discriminated aginst on the basis of the pattern or practice established. Then he asks about his qualifications. If he determines he is qualified, if he determines he has been discriminated against on account of that pattern, then he insists that he be permitted to register and to vote. The State official denying that right may be guilty of contempt of court.

Mr. GROSS. But there is nothing in the bill defining the authority of the referee, is there?

Mr. CELLER. I have just indicated what his authority was.

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

(By unanimous consent (at the request of Mr. ANDREWS), Mr. GROSS was granted 5 additional minutes.)

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

Mr. GROSS. I thank the gentleman from Alabama, and yield to the gentleman from Louisiana.

Mr. WILLIS. What the gentleman fails to state in his description of the proceeding about the referee is this: He stated that a man states his age and his residence in his effort to register. Then he slipped. He said he withdrew the statement, and it will not appear in the RECORD tomorrow, but it really read like this: He said he was to state his age and where he lived, and then he said to show that for some reason he had been denied the right to vote on account of his race. Then he said he would withdraw that. That will not be in the RECORD tomorrow. That is the whole idea. Under the changed situation prohibiting his right to vote on account of color, the gimmick is that the referee is not prohibited from inquiring into the race or color, which is all this fuss is about.

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

Mr. GROSS. I yield.

Mr. ANDREWS. I would like to ask the gentleman from Louisiana a question.

Mr. GROSS. I yield for that purpose.

Mr. ANDREWS. On the other hand, suppose the applicant who applies has a criminal record; he can nowhere be questioned about this criminal record. Most States deny the right to vote to persons who have been convicted of a crime involving a felony or a crime involving moral turpitude.

Mr. WILLIS. The gentleman is right.

Mr. ANDREWS. What would be the situation where a man who had a criminal record applied to the referee for permission to vote after the pattern had been established?

Mr. WILLIS. Here is what the situation would be, and that is one of the pitfalls of the bill. The bill specifically provides that the statement of the applicant before the referee shall be prima facie evidence as to his age, responsibility, and his prior efforts to register and being otherwise qualified to vote. Whatever the applicant says is taken for true and there is no inquiry into that. I doubt very much that an applicant for a voting certificate would against his interests say "I am a criminal," and all that sort of thing.

I do not imply any evil to any person, but the pitfall is that the local registrar back home is right back there in the precinct and he knows pretty well the matter of the criminal record of any person, white or colored. So to that extent that is one of the pitfalls, not only in establishing a conclusive presumption

as to race or color but that whatever statement he makes is true. There is no option on the part of the referee. Prima facie, the statement shall be taken as the truth.

Mr. GROSS. And will not the referee make a recommendation to the Federal judge?

Mr. WILLIS. That is right.

Mr. GROSS. And the Federal judge will not have time to review the evidence in connection with the applications.

Mr. WILLIS. Let me address myself to that point. After a voting referee hears the individual ex parte, then he makes a report to the Federal judge. He says: "Judge, I find this person to be qualified; I have given him a certificate to vote."

At that point only in the bill the attorney general of the State has the right to file an exception to the report. But, Mr. Chairman, that invitation to file an exception is legally meaningless, for this reason: It is conclusively presumed that he has been discriminated against, so the attorney general cannot go into that. The applicant's statement before the referee is taken for true. It is one sided; it is self-serving. Now, you try to attack that report of a referee in this situation. It is meaningless.

Mr. GROSS. The point of my asking these questions is that I am deeply concerned about how much authority is being given the referees who will be created in this legislation.

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

Mr. GROSS. I gladly yield.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 5 additional minutes.

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

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a statement?

Mr. GROSS. Yes; I yield to my friend from Ohio and thank him for the extension of time.

Mr. McCULLOCH. Mr. Chairman, it should be recognized that the referee is an official of the court and when the Negro comes in there asking for his certificate or finding by the referee concerning his right to vote, the Negro is under oath just the same as the gentleman from Iowa is under oath when he makes an application to register in his State. If the Negro says that he is 21 when he is only 19, or that he is a resident of the State, or more particularly of the voting precinct, when he is not, then he is subject to indictment and prosecution and penalty for perjury.

Furthermore, after the referee makes the finding that the gentleman is entitled to vote, there is a report made thereon. It is served on the Attorney General and there are 10 days in which he may file exceptions to it. It becomes then an adversary proceeding and all the facts that can be brought to bear on the case are considered by the court.

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

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

Mr. WILLIS. I would like to ask the gentleman from Ohio, will he say whether or not the so-called adversary proceeding on the exception of the Attorney General is such that the Attorney General or the referee may offer proof that the denial of the right to vote was not on account of race or color?

Mr. McCULLOCH. I would answer the question by saying "that which is material." Anything can be shown in the exceptions, in the hearing on the exceptions, which shows that he was not qualified to vote, or that he was qualified to vote.

Mr. Chairman, when we get to that point it makes no difference about a man's race or color. The question is, Is he qualified to vote under State law?

Mr. WILLIS. The answer to the question is that the Attorney General is not given an opportunity to show matters involving race or color?

Mr. McCULLOCH. Because it is no longer an important question. The only important question is, Is he qualified to vote under State law?

Mr. WILLIS. It is no longer an important question because the whole proceeding has been locked up by virtue of the conclusive presumption principle.

Mr. GROSS. Can the chairman of the Judiciary Committee give us any idea at all of how much this referee system is going to cost the taxpayers of the United States?

Mr. CELLER. I would answer in this way, if there is very little discrimination on account of race or color there will be very little cost; if there is a great deal of discrimination there might be a great deal of cost.

Mr. GROSS. I looked up the figures on appropriations for this so-called Civil Rights Commission that was supposed to end all of this business when the bill was passed a couple of years ago. In 1959 we spent $770,000 on the Civil Rights Commission; in 1960 another $780,000; and the Commission is presently before the Appropriations Committee asking for $995,000.

Now, I am quite sure this bill is going to pass, and if I should offer an amendment to the bill providing for termination of the Civil Rights Commission, I wonder if the gentleman would support it so we could save some money to pay for the army of referees that you apparently are going to set up with no qualifications other than that they be qualified voters. Incidentally, are these referees going to be attorneys?

Mr. CELLER. Does the gentleman want me to answer the question? I would like to answer one of the inquiries. There is one I can answer without much question. There is a termination date set by Congress on the life of the Civil Rights Commission. Its life expires 2 years after the bill that we passed a few months ago, so that there will be no more appropriations after its life has expired.

Mr. GROSS. I want the Commission to expire when this bill becomes law, and save that money, since this is designed to take care of all the evils and it will undoubtedly be costly to administer.

Mr. CELLER. The gentleman has just extended the life of the Commission by 2 years.

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

(By unanimous consent (at the request of Mr. HALEY), Mr. GROSS was allowed to proceed for 5 additional minutes.)

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

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

Mr. CELLER. How can we place any value on the right to cast a vote?

Mr. GROSS. Well, now, the gentleman knows that is not an answer to the question of selecting referees with the only qualification in the bill being that of a voter in the judicial district, and with not the slightest indication of how much they are to be paid.

Will the gentleman tell me what the qualifications for a referee will be?

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

Mr. GROSS. Certainly.

Mr. CELLER. Of course, if there is a persistency of the denial to vote in certain sections of the country, what must we do? Will that denial persist, or shall we come forward and see to it that it is proscribed and they be given the right to vote, and if it costs something, must we not defray the expenses? What other choice have we got?

Mr. GROSS. How are you going to pay these referees, on a per diem basis, on a yearly basis, on a monthly basis, or how?

Mr. CELLER. On a per diem basis. The court determines the situation just the way the court passes on or determines the cost of a special master that the court appoints or a referee in bankruptcy or any other adjunctive officer that the court chooses from time to time to select.

Mr. GROSS. And the gentleman expects this bill to become a lawyer's bonanza, does he not?

Mr. CELLER. Oh, no; I do not think that is a fair statement.

Mr. GROSS. Why not?

Mr. CELLER. Because I do not think it would become a lawyer's bonanza at all.

Mr. GROSS. Do you not expect that most of the referees will be attorneys?

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. HOFFMAN of Michigan. The gentleman from New York well knows that there is not money enough to pay the lawyers to carry out the provisions of this bill. You have the NAACP and all these other organizations to contend with.

Mr. CELLER. He will be a qualified voter in the judicial district.

Mr. GROSS. That is right; but one of the weaknesses in this bill is that you have set up no other qualifications.

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

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

Mr. SMITH of Virginia. In reference to the gentleman's inquiry about the cost of this Commission, a Commission which was created under a bill offered by the gentleman from New York, I call the attention of the gentleman to the fact that that Commission, with all its expense and all its study and all its work, in its report made two and only two important recommendations. One was for registrars, official registrars; the other one was that it should be confined to Federal elections. Now the gentleman from New York has repudiated both of those recommendations. What is the use of keeping this Commission on if those who proposed it are not going to follow any recommendation that they make?

Mr. GROSS. And if you want further evidence of what a boondoggle this Commission has been, turn to page 5459 of the March 14, 1960, CONGRESSIONAL RECORD, and you will get a pretty good idea of how little it has accomplished for the more than $2 million which will have been spent if the Appropriations Committee hands out the money now being sought.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. I thank the gentleman and call the attention of the gentleman from Virginia to a former discussion—CONGRESSIONAL RECORD, volume 91, part 3, page 3959—when the House had under consideration an FEPC bill, H.R. 2232.

The President had appointed a Fair Employment Practices Committee on June 25, 1941. The committee was appointed to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices.

The Member from the Fourth District of Michigan said, referring to the committee:

The Committee, whose principal duty it was to eliminate discriminatory employment practices, has, if its acts are any proof of its purpose, itself been guilty of the most flagrant discrimination in favor of a minority group.

It has considered complaints, held hearings and issued orders against others, but it has not itself, in its own activities, frowned upon discrimination.

In fact, this particular agency, like so many minority groups when once they get power, has used its power to advance the interests of its own followers, to discriminate against all others, even though the group to which they belong be in the minority.

From a statement furnished by the FEPC itself on March 8, 1945, we get the following figures:

The total number of employees of the FEPC is 110. They are divided as follows:

	Number of employees	Percentage of total number	Salaries	Percentage of salaries
White	43	39.1	$150,180	43.13
Colored	65	59.0	194,580	55.88
Japanese-American	2	1.9	3,420	.99
Total	110	100.0	348,180	100.00

From the foregoing, it appears that, although, of the total population of the United States, 89.78 percent are whites and but 9.77 percent Negroes, when this agency, created to prevent discrimination, transacts its own business, it discriminates against the whites of all races, of all faiths, and gives to the Negroes 59 percent of the jobs, and 55.88 percent of the money paid in salaries, although, on the basis of population, they constitute but 9.77 percent of the population.

Here you have one example of the manner in which one minority group handled what it had been pleased to term was a discriminatory denial of jobs because of race.

Mr. SMITH of Virginia. Well, to show how we progress, they are going to get 100 percent of whatever comes out of this legislation.

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

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

Mr. FORRESTER. The gentleman said he was not a lawyer, but he is a mighty close observer. I would like to ask the gentleman if he is familiar with the provisions in this bill that this pattern or practice, that conclusive presumption, is going to exist for 1 year thereafter and ask the gentleman if he has ever heard of any provision like that to apply against a defendant, whether it be for 1 year? Even the judge will be helpless to change it.

Mr. GROSS. And it will go down to the election of a dog catcher, as the gentleman from New York said the other day.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. CELLER. Mr. Chairman, we have debated everything but the amendment, apparently.

Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment close in 10 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, as the gentleman from New York [Mr. CELLER] said, we have talked about everything except the pending amendment.

My amendment would do only one thing. It would leave the discretion in the judge in appointing a referee to tell that referee how to proceed. That is what the Justice Department testified they wanted when they came before our committee. Now, as the gentleman from New York [Mr. HOLTZMAN] says, they have changed their minds and they want the referee to proceed ex parte and to prevent the judge from exercising discretion over the manner in which the referee proceeds.

I think it is wrong to proceed by a star chamber method when the truth of the qualifications of the voter is the subject matter of the proceedings. The voter is qualified or he is not qualified. Why should we not be interested in the truth by having both parties before the referee and when the report is made to the judge, the exceptions can be heard, if the parties do not agree, and the judge can pass on it finally.

The bill now provides that the judge may, if the exceptions raise an issue of fact, refer the matter back to the referee. But if they have already been before the referee and have had an adversary proceeding and the truth of the statements made were attested by the referee in the first place, the court could make a final disposition of the matter when the exceptions are filed with him.

Mr. Chairman, I think this is a good amendment. I think it will remove one possible constitutional objection that might be raised, that the parties affected have not had their day in court. I do not think the bill as drawn now gives them their full day in court. I think we ought to leave it up to the judge to prescribe the proceeding by which the referee will act under his appointment by the judge.

Mr. Chairman, I urge that the amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I am of the opinion that the amendment serves no useful purpose in this bill and would slow the proceedings immeasurably, make it difficult if not impossible for people who are otherwise qualified to vote and who have been denied the right to vote by reason of race or color upon their application to do so.

I should like to remind the Members of the House or those who need the reminder that the local registrar of voters in their respective districts does not carry on an adversary proceeding. If a citizen desires to be registered, he goes before the registrar, says that he is 21, that he has been a resident of the State in accordance with the law and is otherwise qualified under the laws of the State. Then the registrar either registers him or he does not register him. There is no adversary proceeding there. There is no necessity for one here.

The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The question was taken; and on a division, demanded by Mr. WILLIAMS, there were—ayes 62, noes 90.

Mr. MURRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MEADER and Mr. CELLER.

The Committee again divided, and the tellers reported that there were—ayes 91, noes 119.

So the amendment was rejected.

Mr. BUDGE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BUDGE to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 6, line 9, after the word "office", insert "in any election in which any candidate for the office of President, Vice President, presidential elector, Member of the

Senate or Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted upon".

On page 6, line 10, after "in", insert the word "such".

On page 2, starting on line 22, strike out "in any such election".

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho may proceed for 5 additional minutes to speak on his amendment.

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

There was no objection.

Mr. BUDGE. Mr. Chairman, most of the amendments which have been offered to this bill have been amendments on which there seems to be a great deal of disagreement among the Members of the House who are attorneys as to interpretation. The proposal I offer here is clear and simple. I doubt that there can be any difference of opinion as to its meaning. I should like to start with just a little bit of history.

In 1870, after the Civil War when we went into the Reconstruction period and when the Congress of the United States passed some rather severe legislation on this subject, even at that time the Congress never went as far as it intended to go in this particular proposal. In the Enforcement Act of the Reconstruction days, the enforcement was always limited to a Federal office. When we got into this subject this year, the bill introduced by the gentleman from New York [Mr. CELLER] was also limited to Federal offices. The gentleman from Ohio, the distinguished ranking member of the Judiciary Committee, has been extensively quoted to the effect that, in his opinion, any such legislation should be limited to Federal offices. The recommendations made by the Civil Rights Commission were to the effect that this civil rights legislation should be applied only to Federal offices.

Until this new proposal came along the entire intent was to keep this within the framework of Federal activities. Now, however, this proposal that is currently before the House provides that the Federal machinery may be invoked in any election held in the United States. That refers to all municipal elections, to all county elections, elections for school districts, for highway district trustees. It applies to bond elections, to local option elections; and, as I pointed out a few minutes ago, in my own State of Idaho, had it been invoked there during the past year, it could have been invoked in a number of municipal elections where the sole proposition on the ballot was whether or not a dog which was away from its owner's premises should be required to be restrained on a leash.

I submit that the language of this bill goes much further than the recommendation of the Civil Rights Commission or any other official recommendation of which I am aware. The proposal which I make to limit the invoking of this Federal procedure to any election wherein a Federal official is being voted upon, and to cover all public officials covered in that election, is much, much broader than the recommendation of the Civil Rights Commission. It is a much, much broader proposal than that of the gentleman from New York [Mr. CELLER] in his registrar bill. It is much broader than the quoted expressions of the gentleman from Ohio [Mr. MCCULLOCH]. It is much broader than the enforcement act of Reconstruction days.

Actually, what we are doing here, if this bill is not amended, and if these Federal procedures which may be invoked for every election in the United States, is to just place Uncle Sam just another big step closer to handling the local affairs of the people of this country.

I noted with satisfaction the expression of President Eisenhower in his news conference the other day, that he felt that on this subject the Federal Government had injected itself a little too far, and that he hoped we could work out some things on a local basis. This bill would certainly not follow the pattern recommended by the President of the United States. In fact, it places Uncle Sam in every local election held in the country.

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

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

Mr. HOLTZMAN. If we follow the gentleman's argument, and we assume that in his State there is a pattern of discrimination because of race or color, under color of authority do I take it that the gentleman's position is that we want to deprive those people of the right to vote, even on a dog leash case?

Mr. BUDGE. My response would be this: I do not want to deprive anyone of the right to vote on any proposition, but I think the Federal Government should have very definite limitations as to just how far it is going to inject itself into the affairs of local people. I say to the gentleman that when the Federal Government takes it upon itself to police an election to be held on whether or not a dog should be on a leash, the Federal Government is going much farther than the Constitution of the United States ever intended.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield at that point?

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

Mr. HOLTZMAN. I suggest that the gentleman read very carefully the 15th amendment to the Constitution. The gentleman will find it applies to all elections, not just Federal elections.

Mr. BUDGE. Had the gentleman been on the floor a few minutes ago, he would know that the same suggestion was made by the gentleman from New York [Mr. CELLER], to which my reply was that the 15th amendment guarantees the right to vote, period; it does not say for what offices.

It is my position, and I think other sections of the Constitution adequately bear it out, that the intention was for Federal officials, and that has been the history of all proposals here including the proposal of the gentleman from New York [Mr. CELLER] that it be confined to Federal officials.

But let us take it one step further. If we are to accept the gentleman's argument and say it applies to a dog-leash election, then would it apply to an election in an Elks' Club? Would it apply to an election for the Idaho princess at the Cherry Blossom Festival?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. ROGERS of Colorado. The gentleman, as a lawyer, well knows that the rules and regulations governing elections in a fraternal club are based on the constitution and bylaws of the club and have nothing to do with the question of citizenship and civil rights of a citizen.

Mr. BUDGE. In reply to the gentleman from Colorado on the matter of rules and regulations, let me call his attention to the fact that the rules and regulations setting up voting in municipal elections are controlled by the municipality.

I see no justification for the Federal Government's injecting itself into purely local matters.

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

Mr. BUDGE. I yield.

Mr. FORRESTER. Does the gentleman mean to say, and I think he does, that he would like to see the Federal Government do less meddling in everything, that it might leave a little something for the local communities to decide?

Mr. BUDGE. I will say to my colleague something in which I very sincerely believe, that the people themselves should be in a position to know and see what is going on; and I submit that in handling their own affairs in their own communities and having them handled by their own neighbors they can tell much better what is going on when they handle it themselves than when they transfer it to this tremendous bureaucracy which we have built up in this Nation.

I think this issue goes to the very core of whether or not we are going to retain some semblance of local government and preserve it from the bureaucracy of Washington which presently has 2½ million civilian employees.

I again want to emphasize that the Enforcement Act in Reconstruction days was limited to Federal officials. I want to emphasize that the bill introduced by the gentleman from New York [Mr. CELLER], applied to Federal officials.

I want again to emphasize that the recommendation of the Civil Rights Commission related only to Federal officials. The proposal which I have made that every proposition and every officer on the ballot in an election wherein a Federal official is voted on is far broader than the proposal which was made by the Civil Rights Commission or the Reconstruction Enforcement Act or by the gentleman from New York [Mr. CELLER].

I sincerely hope the amendment will be agreed to.

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

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman

from Idaho [Mr. BUDGE] may proceed for 5 additional minutes.

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

There was no objection.

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

Mr. BUDGE. I yield.

Mr. HARRIS. Is it not a fact that the original bill introduced by the distinguished chairman of the Committee on the Judiciary was limited to Federal elections?

Mr. BUDGE. It was far more restrictive than that, I will say to the gentleman. The original bill introduced by the gentleman from New York [Mr. CELLER] and the proposal of the Civil Rights Commission said that these procedures shall be confined to Federal officials. In the proposal which I make I am permitting the invocation of the Federal procedure to every proposition and every individual being voted upon in an election in which a Federal official is a candidate. That is done to meet a practical objection that you cannot qualify a man to vote for one individual on a ballot and not qualify him to vote for other individuals on the ballot.

Mr. HARRIS. Does not the gentleman's amendment bring this so-called voting referee plan into compliance with the proposition that was offered by the distinguished chairman of the Judiciary Committee at the outset?

Mr. BUDGE. It is much more liberal, I may say to the gentleman, than the proposal of the gentleman from New York [Mr. CELLER] or the proposal of the Civil Rights Commission.

Mr. HARRIS. Is it not true this is the first time legislation has been seriously considered on the floor of the House extending such authority to any and all elections regardless of what they might be?

Mr. BUDGE. I may say to the gentleman this is the first enforcement statute which does what the gentleman says. In Reconstruction days the basic law extended to local affairs, but the enforcement provisions, and this is an enforcement bill, have never before in the history of this country attempted to invade local communities on matters of local nature.

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

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

Mr. Chairman, it would seem, perhaps, at first blush that the amendment proposed by the gentleman from Idaho might have some merit. But on due reflection, when we consider that we are here to protect the equal rights under the law of all citizens everywhere, we find that we have in fact more, or certainly as much, of an interest in the democratic character of local elections as we do in Federal elections. It would be idle for us to try to attempt to guarantee the equal protection of the laws to our citizens on such a refined basis as the amendment requires. Certainly the guarantee of the 15th amendment goes to the protection of the right to vote in a local election as much as it does in a Federal election.

It goes far beyond elections into areas of participation in public facilities and so on, as the Supreme Court has held, much to the chagrin of some of our Members; nevertheless, we have found that there is always this attitude whenever the Supreme Court rules in a manner which does not please us. Abraham Lincoln indulged in a tirade against the Supreme Court, F. D. R. did, and now some of our Southern and Republican Members are doing it.

I would like further to make the observation that I as a citizen of California am very much interested in the democratic character of the State of Vermont or Illinois or Mississippi, and I am duty bound to insure the democratic character of those States. Even if I were to adopt the theory of those who believe in a Confederated States rather than in that of a Union and a Nation, I would have a right to be concerned about the democratic character of the States with which my State is federated. If we are going to do the job here in any way at all, let us not do it in such a way that we can evade it by setting up separate elections, Federal elections, and State elections, and have separate Federal registrations and separate State registrations. Experience has proven that many States will go into a legislative flurry immediately after some action is taken by the Court or Congress to protect the right of certain citizens.

Now, that legislative flurry would surely result in an attempt to limit the operation of this law as much as possible, and I foresee that that is exactly what would happen. Whatever test would be set up for State elections and Federal elections and whatever registrars provisions there might be we would be able to use the machinery to be prescribed to fully protect the rights of our citizens to equal participation in government.

Mr. WHITENER. The gentleman mentioned the rights that he seeks to protect, and I ask him if those rights are constitutional rights.

Mr. KASEM. Those are precisely the rights to which I refer and to none other; constitutional rights.

Mr. WHITENER. What constitutional right does the gentleman say exists for the Federal Government regulating and determining the election of township and county officials. What section of the Constitution does that come under?

Mr. KASEM. It seems to me that a duty is set out for us in the 15th amendment to the Constitution which imposes upon us the duty to preserve the right of equal protection of the law in all governmental activities. I would remind the gentleman that the 15th amendment was adopted after the action of the States of the Union and not pursuant to action of the Federal Government, and it was adopted to correct inadequacies and discriminations that existed within the States and not on the Federal level.

Mr. WHITENER. I will ask the gentleman if he, by his pronouncements, would seek to disregard the 10th amendment to the Constitution which reserves to the States and the people the powers not specifically delegated to the United States.

Mr. KASEM. The gentleman refers to the 10th amendment?

Mr. WHITENER. That is exactly what I refer to.

Mr. KASEM. I thought you said the fifth amendment. The 10th amendment is fine, but specific power is delegated and specifically imposed upon the Congress of the United States in the 15th amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In response to the question propounded by the gentleman from North Carolina, his quotation of the 10th amendment was absolutely correct. But, he understands and we know that that was adopted in 1789. Now, the 13th, 14th and 15th amendments were adopted after the War Between the States. If there is any question in the mind of the gentleman from North Carolina as to the right and duty and responsibility of the Congress of the United States, I direct his attention to the 15th amendment, which reads as follows:

Mr. WHITENER. I have it in my hand.

Mr. ROGERS of Colorado. All right. Let me see if you have read it. It says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

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

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. KASEM] may proceed for 5 additional minutes.

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

There was no objection.

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

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. In view of the fact that the request for extension of time was made by the gentleman from North Carolina, and wishing to thank the gentleman from Colorado for his excellent assistance in pinpointing the duty of the Congress, I now yield to the gentleman from North Carolina.

Mr. WHITENER. I will not detain the gentleman much longer, except to ask him this question. Does the gentleman from California subscribe to the apparent philosophy and theory of the gentleman from Colorado?

Mr. KASEM. I certainly do.

Mr. WHITENER. That the 15th amendment has the effect of expressly or by implication repealing article I, section 2, and article I, section 4 of the Constitution of the United States?

Mr. KASEM. If the gentleman will enlighten me further, because my famil-

larity with the Constitution does not adequately serve me when you mention article and section numbers.

Mr. WHITENER. Article I, section 2, says:

> The House of Representatives 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.

Article I, section 4 reads 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.

With the reading of that I am sure the gentleman, without any coaching from the gentleman from Michigan [Mr. DINGELL] may have some degree of familiarity with those important provisions of the Constitution.

Mr. KASEM. Yes and the gentleman's question is, Do I contend that the 15th amendment vitiates those? I do not so contend. And at this time I yield to the gentleman from Colorado [Mr. ROGERS], who is on his feet.

Mr. ROGERS of Colorado. Mr. Chairman, may I point out that prior to the adoption of the 15th amendment the right of the Congress of the United States to see that its own elections were purified was set out. After the War Between the States, when the question arose about discrimination, so to speak, in the equal application of the 14th amendment, in 1870 we adopted the 15th amendment for the purpose of seeing that no citizen be deprived of his right to vote or deprived of the exercise of his citizenship both by the United States and by the State. And to make sure that there was not any question about it, section 2 gave the Congress the appropriate authority to carry it out.

The 13th amendment abolished slavery and we adopted statutes under which the Federal Government could prohibit such slavery. Why can you not with equal application of the 15th amendment prescribe methods of seeing to it that a citizen is not deprived of his right to vote? That is all there is to it.

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

Mr. KASEM. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I would like to try to divert the gentleman's mind from the War Between the States. My friend from Colorado seems to be quite concerned about that. Getting down to 1912, the 17th amendment was adopted—I am sure the gentleman is familiar with it—and it reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That was quite a time after the unfortunate and "uncivil war" to which my friend has referred. And the gentleman says now that these amendments recognizing that the States have absolute authority in the field of State elections as well as in Federal elections is just a myth which some of us have conjured up for the purpose of argument.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MEADER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill pending before us, the voting referee bill, amends subsection (e) of 42 U.S.C. 1971; (a) gives the right to citizens to vote in all elections.

The gentleman from New York [Mr. CELLER] has read that subsection to you.

In 1957 we added some other subsections: (b) related only to Federal elections, but (c), the enforcement provision, relates to all the rights secured by subsection (a). This bill is made applicable to the rights secured by subsection (a), which is the right to vote in all elections.

Really, the effect of the amendment offered by the gentleman from Idaho would be the same as if we added to the 15th amendment, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State with respect to some elections but as to other elections it is all right to deny the right to vote."

Not only do I think it is a question of attempting to amend the Constitution of the United States by statute, I think this would be wrong in policy, because if it is right for a citizen to vote regardless of race or color in a Federal election it is just as right in a local election. He has just as much interest in the election of a school board or in the election of his mayor. If you disfranchise him on his local election, that may be the most important election to him.

In addition, I think this provision would be unworkable. Once a person has been registered on the rolls, how are you going to tell one person from another as to whether he is entitled to vote in a local election unless you keep separate registration?

In other words, if the defendants in one of these suits brought by the Attorney General should comply with the direction of the court that they include the names of specific individuals on their regular registration rolls, how would you be able to separate those people with respect to local elections and refuse to recognize a certification of eligibility to vote for a local election, yet permit them to vote in a Federal election?

Mr. Chairman, I have in my efforts so far on this bill both in committee and on the floor tried to make certain that this legislation when we adopt it will be constitutional so that we will not find that we have committed an idle act in passing this law.

I believe the amendment offered by the gentleman from Idaho goes in exactly the opposite direction of the policy of the 15th amendment, the policy that Congress has adopted not only in the first clause of the 15th amendment but in carrying out that amendment in the Civil Rights Act of 1957. I believe the gentleman's amendment would be very harmful, and I think it ought to be defeated.

Mr. BUDGE. Mr. Chairman, will the gentleman yield since he has mentioned my name?

Mr. MEADER. I yield to the gentleman from Idaho.

Mr. BUDGE. Can the gentleman tell the House of any previous statute ever enacted by the U.S. Congress, any previous enforcement statute, which injects itself into the local affairs as does this bill? Just cite me one example.

Mr. MEADER. The Civil Rights Act of 1957 in paragraph (c) reads as follows:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

Mr. BUDGE. If the gentleman's interpretation of that statute is correct, then you already have law on the books to enforce this law in local elections, and you do not need it here.

Mr. MEADER. What the voting referee provision does is simply add another sanction. It permits the court in a proceeding instituted by the Attorney General under subsection (c) to appoint voting referees under certain circumstances.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

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

Mr. MEADER. I yield.

Mr. SMITH of Mississippi. In the event that this section becomes law; how would the gentleman reconcile the operation of the enforcement of the provision in relation to the primaries with that provision of the amendment, which has been tentatively adopted, which provides for provisional ballots? Purely from a practical standpoint, without regard to the other questions about the various amendments to the Constitution, how would it be possible where there are provisional ballots which are challenged to decide, between the first and second primary, the type of primaries that are held in some 10 or 12 States of the Union, before the time comes that is fixed by law for the second primary? That is a practical question which, it seems to me, raises grave doubts about the practicability of making this amendment applicable to primaries as distinguished from general elections. Has the gentleman any suggestions as to how these provisional ballots, which are contested and taken into court, can be counted before the second primary takes place?

Mr. MEADER. If the gentleman will permit me, I would suggest that that question should be addressed to somebody else because it does not relate to the amendment offered by the gentleman from Idaho. It relates to the provisional voting section which we passed; namely, the amendment offered by the gentleman from Michigan [Mr. O'HARA].

Mr. SMITH of Mississippi. It relates very closely to the amendment offered by the gentleman from Idaho because, if the gentleman's amendment is adopted, any conflict will be eliminated because the primaries will have taken place and under the terms of the gentleman's amendment, it would oar the application of the amendment to the primaries.

Mr. MEADER. I suggested yesterday that the provisional voting provision raised some practical difficulties, but I assume that the provisional votes would be handled on the same basis as any challenged vote.

Mr. SMITH of Mississippi. It is hard to see how any practical application can be made of this provisional voting provision in the law insofar as it would affect the first and second primaries, and it is going to bring about the wholesale reshuffling or elimination of primaries within the States involved, if it is allowed to become the law, as its provisions are now written in the amendment. I suggest the only way of avoiding that complete interference with the elections of the various States that have the first and second primaries would be to adopt the amendment offered by the gentleman from Idaho.

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

Mr. MEADER. I yield.

Mr. KITCHIN. Mention has been made here in this particular colloquy concerning the application of the 15th amendment, giving us the constitutional authority to pass the legislation that is proposed in this referee section of the bill. I will ask the gentleman and, of course, he is familiar with section 4, article IV, of the Constitution of the United States which says that the United States shall guarantee to every State in the Union a republican form of government. I ask the gentleman if he has any knowledge of any amendment to the Constitution of the United States that has repealed that section of our Constitution.

Mr. MEADER. Of course not.

Mr. KITCHIN. Then, does it not sound logical and reasonable as a constitutional question that we should guarantee to every State in the Union this republican form of government, and in conformity with the decisions of the Supreme Court, which by the way has occurred since the passing of the 15th amendment. It has been decided by the Supreme Court of the United States that this section of article IV still is valid and that the laws of the States shall not be attacked for their constitutionality by the Federal Government.

Mr. MEADER. That is as to laws that are not unconstitutional, because of provisions of the Federal Constitution.

Mr. KITCHIN. I will ask the gentleman if the Supreme Court has not held some 16 to 18 years after the passage of the 15th amendment to the Constitution that a republican form of government is guaranteed to every State in the Union, and that the distinguishing feature of that form of government is the right of the people to choose their own officers and their own governmental administration and pass their own laws. That same opinion by the Supreme Court says "whether certain statutes have or have not binding force is for a State to determine; and that determination itself involves no infraction of the Constitution of the United States and raises no Federal question giving the courts of the United States jurisdiction."

That opinion was handed down by Chief Justice Fuller in *State in re Davlon* (139 U.S. 449). and was handed down at the October term in the year 1890, some 18 years after the passage of the 15th amendment.

Mr. MEADER. In my judgment, section 4, article IV guarantees a republican form of government and does not prevent the Congress from passing this kind of legislation. In fact, we did it in the Civil Rights Act of 1957. That act has been held constitutional within the last few days.

Mr. ROGERS of Colorado. Will you state again to the House any State that has not been granted a republican form of government?

Mr. KITCHIN. I will answer that in particular.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has again expired.

Mr. FORRESTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia [Mr. FORRESTER] is recognized.

Mr. FORRESTER. I yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. In answer to the gentleman from Colorado [Mr. ROGERS] who posed the question as to whether or not there had been any incident to my knowledge where States have not been guaranteed a constitutional form of government——

Mr. ROGERS of Colorado. You said a republican form of government.

Mr. KITCHIN. A republican form of government. Is that the question of the gentleman?

Mr. ROGERS of Colorado. I want to know if you know of any State that has been denied the right of a republican form of government under the Constitution.

Mr. KITCHIN. Up until 1957 I could say I do not know of any particular instance, but the passage of this act of 1957 was the first time it had been so infringed. Now we are getting ready to do it again on the basis of not requiring the validity of State laws and the right of the States to appoint qualified registrars to hold our own elections under the laws of the State of North Carolina, or any other State. That is infringing section 4 of article IV of the Constitution.

Mr. ROGERS of Colorado. Will the gentleman yield to me further?

Mr. FORRESTER. I will yield to the gentleman if he will get me some more time.

Mr. ROGERS of Colorado. I will be glad to do that.

Will the gentleman point out where in any manner whatsoever in this legislation the State of North Carolina or any other State is denied the right to proceed with its own election?

Mr. KITCHIN. In this instance I will say, "Yes."

Mr. ROGERS of Colorado. Will you name an instance?

Mr. KITCHIN. I will. Either the gentleman did not understand it or did not want to understand it on yesterday. This particular legislation, in my opinion and the opinion of other lawyers, is creating a presumption which is conclusive against the officer of any State of the Union where he does not have any right guaranteed to his own State, under his State constitution under the laws passed by his own State.

Mr. ROGERS of Colorado. Will the gentleman yield further?

Mr. FORRESTER. I yield.

Mr. ROGERS of Colorado. Do you not know that under this bill the question of the appointment of a referee never arises unless there is a pattern or practice to deprive individuals of their rights, because of race or color, and only after that pattern has been established does the referee come into force. Prior to the time of the establishment of that pattern, or practice, the State can proceed in its own manner, but if it is proposed to violate the 14th and 15th amendments of the United States, you do not deny the right of the Federal Government to enforce those two amendments, do you?

Mr. KITCHIN. Not as it pertains to the parties who have had their day in court, but when you come to the conclusive presumption that everybody has practiced discrimination against the Negro I think I am right.

Mr. ROGERS of Colorado. Does the gentleman not realize that this bill itself provided that proceedings pursuant to subsection (c) must be had, and then it is presented to the court, and then each party has been given notice and an opportunity to be heard and make its finding whether pursuant to pattern or practice?

If an election official in the State of North Carolina is summoned into the Federal court and it is proved that he has a pattern or practice of discrimination because of race or color, he has had his day in court. That has to be proved first before you have a referee. The gentleman agrees with that construction, does he not?

Mr. KITCHIN. To answer the gentleman would take 20 or 30 minutes. We have already exhausted the time of the gentleman from Georgia.

Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FORRESTER] may continue for 5 additional minutes.

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

There was no objection.

Mr. FORRESTER. Mr. Chairman, after all this debate I cannot help but think of an old piece of poetry to the effect:

The centipede was quite happy, until
One day the toad through fun, said, pray
Which leg comes after which?
And that wrought him up to such a pitch
He lay distracted in the ditch,
Forgetting how to run.

Mr. Chairman, I cannot help but be a little confused when my good friend the gentleman from California [Mr. KASEM] seeks to instruct the people of my State on democracy and on the Constitution. The truth of it is our people made his State, instead of his State making ours. Georgia was a century old when California came into being. My State of Georgia was one of the Thirteen Colonies, and it left its impress upon the Constitution. We not only feel that we know something about democracy, which Mr. KASEM would instruct us upon, we also believe we might know a little something about a republican form of government.

I want to tell you something that is a little strange to me. I have a great admiration for my chairman, the gentleman from New York [Mr. CELLER]. I have an admiration for the gentleman from Colorado [Mr. ROGERS], even if he did take up quite a bit of my time; but I am just wondering if it would not be all right if those gentlemen would decide that they were not going to meddle with us all the time, and just let us sometimes decide something for ourselves.

My mind goes back to the history of the War Between the States, and I know a little something about it. All of my people knew something about it. There has not been a war in the United States that Forresters were not at the forefront for some reason or other, and some fell in the midst of battle. Listen to me. My people know something about this Government, and know what that freedom cost and knows that it will not stay with cowards, it simply will not consort with a coward. One who would have freedom has got to stand for freedom and stand for it in an honest sort of way.

A few years ago the Queen of Holland stood right over there in front of the Speaker's desk and I heard her make a great speech. I was hoping that this Congress was going to get a lesson from the statement that wonderful woman made.

She was thousands of miles from home, she was representing just a small kingdom, but she leaned over, she smiled, and she said:

After all, my friends, my little country is older than yours.

Do you not believe it would be all right if you would let us decide something for ourselves sometimes? I do not know whether you caught what she was saying or not. I will tell you what I think she was saying. I think that elegant lady was telling us she would appreciate it if we would not meddle with their business in season and out of season and stick our mouths into everything. That seems to be somewhat chronic with some of our leaders.

You know, my people cannot understand it. Ninety-five years ago was the last civil rights legislation passed until 1957. You know this maybe as a matter of history, and if you do not know it, I want to tell you about it. William Tecumseh Sherman, the man who was so careless with fire and who invaded Georgia, protested vigorously against such legislation as you are talking about passing now, and he refused and repudiated the nomination for President of the United States because of that and other reasons. That is history. He said: "I say you do not know what you are talking about. Let those people govern themselves. The South knows their problems and will solve them if you who sat on the sidelines and never heard a gun shoot will leave the South alone."

You know U. S. Grant said that too. If you will read history you will find out all of those boys who were really in the battles said that. The trouble is we had too many boys who stood on the sidelines and who were never in the battles, and who never knew what war meant, who were determined to wreck our constitutional concepts.

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

(By unanimous consent, Mr. FORRESTER was allowed to proceed for 5 additional minutes.)

Mr. FORRESTER. Mr. Chairman, I just do not believe this Congress, if they think about it a little bit, would be willing to say that they must be the keeper of our consciences down South. I believe honestly and I believe humbly, let me say to you that we know as much about Christianity as you do. I believe we are as sympathetic as you are. The truth is that down where I live sometimes you people make fun of us and call us the Bible Belt. But every time we get into a war you hop into bed with us. Of course, when the war is over you boys get right out. We are still the Bible Belt down there, and we are proud of it.

We can deal with these matters just as honestly and just as sensibly as you can, getting down to brass tacks.

I never will forget in 1940 in my home town down in Georgia a man by the name of Cohen addressed a Lion's Club meeting down there. Do you know what he said? He was saying that Hitler was trying to destroy civilization and he said: "I am talking to you people, a Christian people, who if we do not get your help the light of civilization is going out."

He said: "Hitler is going to conquer this world unless you good people from the South save the day."

You know, there was some semblance of truth in what he was saying. We did help save the day. But since that time we have gotten to be mighty bad boys according to some of you, and I do not understand it. Take a little fellow like me; I could not be too bad. I have to stand for the courthouse, the forum where the vicious and the meek can come together on equal terms. I am for that.

Now, listen to me, and I do not mean any harm, but I was not born yesterday. If we could have a secret ballot on this proposition it would be shocking to you how few votes this bill would get.

Now, do you want me to tell you something else? There is nobody in America that is particularly interested in this legislation except a few minority groups that ought to be down on their knees thanking God for the South; that is right—thanking God for the South. They are against the South and, you know, they are against anything else, except civil rights. Most of them are against the Committee on Un-American Activities; most are against all of these American ideals that you are trying to accomplish. There is nothing uncommon about that. Now, do you think the people back home are for this legislation? You have not been getting any mountain of mail about this; no, you have not. You just think about that now. The people back home are not concerned about this. I tell you what they wish you would do. They wish that you would, after the 17th or 18th day of March, address yourself to the serious questions that are confronting this whole world. If you do that, they will appreciate it, and when you got back home, they would say that you were statesmen.

Now, listen to me, my friends. You talk about discrimination. You do not know anything about discrimination. You know, we have a man over in the Senate by the name of Senator RUSSELL. Everybody tells me he is the greatest lawmaker in the United States. That is, they tell me that for 5 solid years, and then in the sixth year they shut their mouths. Why? He has to run for reelection then. Up here you brag on him 3 years out of 4, but you are silent the fourth because that is the year to elect a President. You forget about him then. But, just as soon as the election is over and you are in trouble, you depend upon Senator DICK RUSSELL to pull you out of the fire, and he always does.

It would be highly appreciated by the great people of the South if you would accept the pending amendment taking the Federal Government out of our State and local elections.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in order that we not be confused about so many things that have developed about the application of the Constitution and our right to enact legislation, I think we should bring our attention first to the argument that has been made concerning it. The 10th amendment to the Constitution of the United States reads:

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

Now, the interpretation of this amendment has been that everything that has not been given by the Constitution, and prior to the 10th amendment, still remains with the States. Now, if that is true, why did they adopt the 13th amendment? Why did they adopt the 14th amendment? And why did they adopt the 15th amendment? It is plain and simple that they placed a limitation upon the States. The 13th amendment

certainly prohibited slavery. We have enacted statutes, and we can enforce them today. Now the 14th amendment is the equal protection amendment, and the 15th amendment prohibits not only the Federal Government and also the State government from taking away from citizens their rights to vote. The second section gives to the Congress the right to enact this legislation.

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

Mr. ROGERS of Colorado. I yield.

Mr. BUDGE. Did the gentleman favor the proposal of the gentleman from New York [Mr. CELLER], in regard to registrars, which was limited to Federal officials?

Mr. ROGERS of Colorado. Well, I do not think that that is a question that we are now discussing. I think that the Attorney General of the United States properly disposed of that when he made a separate recommendation, because we all know that eventually this matter is going to wind up in the courts. So why not start it there in the first place?

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KING of Utah. Is it not true that it is a fundamental canon of statutory interpretation that the specific always takes precedence over the general where there is a conflict, so that in interpreting the 10th and 15th amendments to the Constitution, if there is a conflict, since the 15th amendment deals very specifically with the specific subject matter, namely the matter of voting, that would take precedence over the 10th amendment?

Mr. ROGERS of Colorado. I agree with the gentleman that that is a proper statutory construction.

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

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to take this time to ask the gentleman from Idaho [Mr. BUDGE] whether he has received any expression from the Attorney General with regard to his amendment.

Mr. BUDGE. I think it is the province of the Congress of the United States to do the legislating, not the province of the Attorney General.

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

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. COLMER. First I should like to endorse what the gentleman from Idaho [Mr. BUDGE] has just said. He is one of the Members of the House who does not take orders from the Attorney General or anybody else. He feels it is his responsibility to legislate here.

I want to ask the gentleman from Colorado this question. Was this question of referees and registrars, as introduced here by the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], considered in the gentleman's committee before this bill was originally reported out?

Mr. ROGERS of Colorado. In response to the question asked by the gentleman from Mississippi I may point out that, as he well knows, in the Civil Rights Act of 1957, which was reported by our committee, full authority was given in section 3 to the Attorney General to take certain action to protect the rights of citizens to vote under the 15th amendment. When that legislation was presented to the floor of the House and as it finally passed, section 3 was completely taken out.

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

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. ROGERS of Colorado. When our chairman introduced H.R. 3147, it included giving to the Attorney General broad authority to come in and represent these people to vote. When that was reported by our subcommittee to the full committee that was deleted. That was last August. A rule was asked at that time and the gentleman from Mississippi did not see fit at that time to vote in favor of reporting the rule.

Mr. COLMER. No, sir.

Mr. ROGERS of Colorado. But thereafter the Civil Rights Commission did file its report. The report recommended these Federal registrars. Then only in the month of January did the Attorney General of the United States send somebody before the committee to testify and the chairman of our committee, with a full understanding of the situation, permitted the Attorney General of the United States to send up his deputy who testified at great length and under close cross-examination of the gentleman from Georgia [Mr. FORRESTER] and the gentleman from Louisiana [Mr. WILLIS] and others on our committee. And our chairman was fair and permitted Mr. Bloch, of Georgia, to come forward and offer his explanation of these bills. So it was considered by the full committee, in that respect.

Mr. COLMER. The question I originally asked the gentleman was whether this proposal, either the registrar proposal of the gentleman from New York [Mr. CELLER] or the referee proposal of the gentleman from Ohio [Mr. MCCULLOCH], was considered by his committee in reporting this bill.

Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I ask the gentleman from Colorado whether either one of these proposals was voted upon by his distinguished Committee on the Judiciary?

Mr. ROGERS of Colorado. The gentleman means the full committee?

Mr. COLMER. Any committee.

Mr. ROGERS of Colorado. As far as I know, it was not.

Mr. COLMER. It was not voted on by the gentleman's committee?

Mr. ROGERS of Colorado. I am sure the minutes of the House Committee on the Judiciary will not reflect that H.R. 11160, which is a substitute for the McCulloch amendment on this floor, was ever voted on by the full committee.

Mr. COLMER. It was not voted on, neither was the registrar provision?

Mr. ROGERS of Colorado. No.

Mr. COLMER. Then why was it not voted on?

Mr. ROGERS of Colorado. This is why it was not voted on. When the chairman's bill, H.R. 8147, was reported by Subcommittee No. 5 an unfortunate situation developed in the Committee on the Judiciary, where the gentlemen down South joined with the gentlemen on that side and they really tore it apart until the only thing you have is this bill H.R. 8601. Even when a rule was asked during the month of August for H.R. 8601, we did not get any.

Mr. COLMER. The gentleman is very vocal in getting around these questions. The fact still remains that although this original bill was introduced back at the beginning of the session last year and extensive hearings were held you are trying now to write in here on the floor something that was not considered by your Committee on the Judiciary, but you are trying to bring it in here now and ram it down the throats of these people, many of whom do not understand what it is.

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

Mr. COLMER. I yield to the gentleman from North Carolina.

Mr. WHITENER. May I say to the gentleman from Mississippi that I will not follow the pattern or practice of my friend from Colorado in answering the question whether the Judiciary Committee had an opportunity to vote on this question. The answer is a plain, simple "no."

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

Mr. Chairman, when I first got up I had the intention of speaking on the amendment. Having gotten a certificate from two States to practice law, I wanted to pay appropriate tribute to the members of the Judiciary Committee, to say they obviously are qualified to be Philadelphia lawyers. I have sat here now for 2 days and listened to the House confuse and be confused by various members of the Judiciary Committee. When I first got up today I was determined I was going to say that apparently the members of the Judiciary Committee were confused. I do not think that would be an appropriate thing for me to say. I think it would be more appropriate to say, perhaps, the Members of this House had been confused by them. I think the members of the Committee on the Judiciary who have spoken in opposition to this amendment should take the trouble to read the United States Statutes Annotated, and I refer specifically to the provisions of the 15th amendment and look at the annotations in the United States Code Annotated, and I think they would find the points they have been raising have very little to do with the bill itself. I would certainly point out that many of the points about guaranteeing the republican form of government and so on have absolutely nothing to do with the bill which is presently before this House and before this committee.

Now I would like to ask a question of the distinguished gentleman from Ohio [Mr. McCULLOCH] but I see he has left the floor. I notice that the minority leader, the gentleman from Indiana [Mr. HALLECK], has also left the floor. I am wondering if anybody over on the Republican side can tell us whether they have gotten any mandate or ukase from either the President or the Attorney General, who, I assume, is calling the strategy on this bill, as to whether the proposal or amendment offered by the gentleman from Idaho should be adopted. I am wondering if, perhaps, the gentleman from New York [Mr. LINDSAY] would like to speak on this. Have we heard anything from the administration that they want to have no Federal interference in local elections?

Mr. LINDSAY. I am glad the gentleman from Michigan is undertaking to try to shed some light on the confusion that seems to be reigning in the committee and, as he says, he thinks the Committee on the Judiciary has badly botched it up. I am further enlightened by the remarks that the gentleman has made as to what is going on, and everything is now entirely clear. The reason, and obviously one reason, why the Attorney General of the United States has been pressing for a referee voting procedure is because he feels it is the most effective procedure that could be enacted in order to cover the problem. The problem involves not just Federal elections but State elections as well. The Attorney General testified to that effect before the Committee on Rules and the other body and made out a very powerful and very comprehensive and very clear case. I assume the gentleman, in all his exhaustive research he has done, has taken the trouble to read the Attorney General's testimony before the Committee on Rules and the other body on that subject.

Mr. DINGELL. I have, but I wanted to know—there was some inference raised during the debate that, perhaps, the administration has subsequently changed its position. I know the administration does do that on occasion, but I was just wondering whether somebody on that particular side of the aisle could tell us whether the administration has made an end run and turned around and is now going in a different direction than we previously had reason to believe it was going.

Mr. LINDSAY. Of course not, of course not. The administration has been consistent and persistent in its efforts to try to get the Congress to do what the 15th amendment requires.

Mr. DINGELL. I am glad to see the gentleman from Ohio [Mr. McCULLOCH] is present, and maybe he wants to tell us about this.

Mr. LINDSAY. The gentleman asked the question, and now I would like to ask the gentleman whether he will give me the time to complete my answer to his question.

Mr. DINGELL. I am delighted to do so. I thought the gentleman had finished his answer and I was wondering whether the gentleman from Ohio [Mr. McCULLOCH] wanted to add anything to what the gentleman from New York said.

Mr. LINDSAY. What I am trying to tell the gentleman then, if he will just give me a moment without interruption, is that the Attorney General has pointed out so often, which apparently the gentleman from Michigan has not taken the trouble to find out about it, the 15th amendment says the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and that the Congress shall have the power to enforce this amendment by appropriate legislation.

Mr. DINGELL. I would say to the gentleman that I took the trouble to read the remarks of the Attorney General, and I also took the trouble to read the 15th amendment, and I thank him very much.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Chairman I need 5 minutes because I have a number of Members to yield to. I would like to yield first to the gentleman from Ohio and ask whether he knows what the administration wants on this.

Mr. McCULLOCH. Mr. Chairman, the gentleman from Ohio will speak when he is recognized by the Chair and will speak when he determines it is in his best interest to speak. Therefore, Mr. Chairman, I decline to answer the question of the gentleman from Michigan at this time.

Mr. DINGELL. I yield to the distinguished chairman of the Judiciary Committee to ask whether there is any communication he has received from the Attorney General or the administration as to the position of the administration on this particular bill.

Mr. CELLER. I have received a communication, and I think the gentleman from Ohio [Mr. McCULLOCH] has likewise received a communication.

Mr. DINGELL. I would very much appreciate hearing it.

Mr. CELLER (reading):

DEAR MR. CHAIRMAN: You have asked for our comments on an amendment to the administration's voting referee proposal which would limit its application to elections at which Federal officers are involved. The administration is strongly opposed to such an amendment or any similar amendment.

The 15th amendment of the Constitution guaranteeing all American citizens the equal right to vote without discrimination on account of race or color applies to all elections for public office—both State and Federal. If such an amendment, as has been suggested, were adopted it would be an open invitation for the establishment of segregated elections for State officials, thus denying Negroes their clear constitutional right to vote without discrimination in such elections.

If Congress should decide that the constitutional guarantees provided in the 15th amendment of the Constitution should apply only to Federal elections—and not to State elections—then the Constitution should be so amended.

It would be sheer sanctimony for the United States, on one hand, to continue to guarantee in its Constitution as it has since March 30, 1870, the right of Negroes to vote without discrimination in all elections, both Federal and State, and, on the other hand, 90 years later, in March 1960, to enact legislation which, by failing to enforce the right, clearly implies that Negro voting need not be a reality in State elections.

It is my view that if the United States does not support the right to vote as guaranteed by the 15th amendment, we should admit it and amend the Constitution. If it means what it says, the United States should seek to enforce the Constitution within established legal framework, and thus make the right a reality for the Negro.

With best regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. DINGELL. I thank the gentleman from New York.

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

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

Mr. VANIK. I want to point out to the gentleman that the text of this letter was succinctly stated in this morning's Daily News. It points out the Attorney General's opinion, that he feels this amendment should be defeated.

Mr. DINGELL. I wonder if we should give a subscription to the Washington News to the gentleman from Idaho [Mr. BUDGE] so that he could know the position of the administration.

Mr. VANIK. I have learned more about this debate from reading the newspapers than I have from listening to it on this floor.

Mr. DINGELL. Mr. Chairman, may I make a parliamentary inquiry? How do we get back on the track so that we might have a vote on this amendment?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair is just as anxious to have a vote as anybody.

Mr. DINGELL. Would it be proper to move the previous question?

The CHAIRMAN. The previous question is not in order in Committee of the Whole.

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

Mr. Chairman, if I appear to be a little irked, I think you may know or will know the reason why after I have made a statement.

I am advised that while I was off the floor of the House for about 7 minutes, some remark was made about the senior member of the House Judiciary Committee being tired and unable to attend to his duties.

I would like to say, Mr. Chairman, that I was in conference with the Speaker of the House, along with the chairman of the Judiciary Committee on matters pertaining solely and alone to this bill; and I would be glad to call upon the chairman of the Judiciary Committee, my good friend from New York, to tell the committee where the gentleman from Ohio was during the last 10 or 15 minutes.

Mr. CELLER. I certainly attest to what the gentleman from Ohio said. We were in the Speaker's office discussing with the Speaker certain procedure here. So I think it would be perfectly unfair to say that the gentleman from Ohio was not attending to his duties. He certainly has been very assiduously attending upon his duties.

Mr. McCULLOCH. I thank the gentleman from New York.

Mr. Chairman, I, too, have a duplicate of the original letter which was read by the gentleman from New York, and it is identical. I rise to oppose the amendment offered by my good friend from Idaho.

Mr. DINGELL. Mr. Chairman, will the gentleman yield at this point?

Mr. McCULLOCH. I decline to yield to the gentleman from Michigan at this time.

Mr. Chairman, I object to and oppose the amendment offered by my good friend from Idaho, and I think it is sufficient to say that my opposition comes from the 15th amendment which has been read several times, but which is worth reading again, and I read it:

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

One of my very good friends said he felt there was no reason why the Federal Government, the Congress of the United States, should be interested in insuring the citizen of a municipality in Idaho the right to decide whether or not dogs should be kept on a leash. I am not at all interested in the result of that election, but under the 15th amendment to the Constitution of the United States, it seems to me there is a bounden duty on me and every other Member of the Congress of the United States to implement it and to see that the people in that municipality in Idaho have the right to participate in an election which will determine the issue, whatever it may be.

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

Mr. McCULLOCH. I am very happy to yield to the gentleman from New York.

Mr. HOLTZMAN. First, let me testify to the gentleman's constant attendance and effort in connection with this bill. I would like to ask the gentleman if his feeling would be identical even if the result would constitute only a vote on a dog leash?

Mr. McCULLOCH. My reaction would be exactly the same.

Mr. HOLTZMAN. Actually it does not matter what the matter involved is.

Mr. McCULLOCH. That is my view.

Mr. HOLTZMAN. It is the right to that vote that we are trying to safeguard in this legislation.

Mr. McCULLOCH. That is right.

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

Mr. McCULLOCH I will be glad to yield to my good friend from Idaho.

Mr. BUDGE. I have the very, very highest regard for the gentleman from Ohio, but I think we are reaching a rather strained interpretation of my proposal. I am not questioning the right of any individual to vote in any election; I am questioning the propriety of the Congress of the United States setting up enforcement machinery to enter into every local election in the United States, and when there is no Federal official to be voted upon. It is not a question of an attempt to deprive anyone of the right to vote; I think we all believe in that, but there has not been before this Attorney General's proposal came along, there has never before been any enforcement statute enacted by the Congress to do the type of thing which is now sought to be done in this latest draft.

I will ask the gentleman, in the overall consideration of this legislation, whether or not it has not been his expressed opinion that such machinery of enforcement should be limited to Federal officers.

Mr. McCULLOCH. Mr. Chairman, it now is my opinion that the right to vote should be implemented for every qualified person who desires to vote at any public election.

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

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for 1 additional minute.

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

There was no objection.

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

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

Mr. MEADER. The gentleman from Idaho just said the Congress has never passed an enforcement act relating to a State or local election. May I ask the gentleman if the Civil Rights Act of 1957, which authorized the Attorney General to institute injunction proceedings, would apply to local elections?

Mr. McCULLOCH. It was an enforcement act of considerable force and effect, and was upheld by a recent decision of the Supreme Court in a case that went up from the State of Louisiana.

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

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

There was no objection.

Mr. CELLER. Mr. Chairman, I have listened carefully and with great interest to the many arguments advanced to support an amendment which would limit the operation of the voting referee proposal to Federal elections alone.

Let us analyze what those arguments are. It is said that the application of the voting referee proposal to State elections is an unconstitutional invasion of States rights. It is a usurpation by the United States of powers reserved under the Constitution to the States, and so on and so on.

I enjoyed listening to these theories. It made me feel very young again. As the gentleman from New York [Mr. LINDSAY], pointed out a few days ago, I have argued the case for civil rights for a very long time and about 100 years ago, when I must have been still a boy, the argument that the Federal Government could not protect a citizen's right in a State election was very much in vogue and it was a sound argument, but today the argument is about 90 years too late. For it overlooks one little item of law. I say a "little item of law" because surely my colleagues who are bombarding us with cries of unconstitutionality have completely overlooked it and if it were an important rule of law, good lawyers that they are, they would certainly not all have overlooked it. It is simply a little thing called the 15th amendment which has been the law of this land since 1870. This is not a particularly esoteric amendment. It is not at all complex. It simply says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have power to enforce this article by appropriate legislation.

Now, what does the voting referee proposal do? The voting referee proposal does no more than provide that where it has been proven in a court of law that a State is depriving a citizen of his right to vote on account of race or color, the State will be prevented from doing so. Unconstitutional? I cannot conceive of a more direct response to the spirit, the words and the purpose of the 15th amendment. The 15th amendment unequivocally demands that American citizens are not to be denied their right to vote because of their race or color. The 15th amendment specifically, without qualification without equivocation, without limitation, grants to the Congress the power to enact appropriate legislation to protect those rights. That is what we are doing here today.

Is it not ludicrous to allow a Federal ballot and not a State ballot with referee operator?

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

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

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

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close at 10 minutes to 4.

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

There was no objection.

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

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

Mr. CELLER. Mr. Chairman, I may say that immediately after the vote on the Budge amendment the Committee will rise.

Mr. WILLIAMS. Mr. Chairman, I had hoped that when I finally succeeded in getting recognition that my affable, self-effacing, gracious, generous, liberal, erudite friend, the gentleman from Pennsylvania [Mr. FULTON] might be on the floor. Unfortunately, however, at the particular time I am given the op-

portunity to speak I fail to see him on the floor. I regret this particularly because I have some very good news for him. So I hope that he will read the RECORD tomorrow because this is primarily for his information, as well as for the edification of the House. I would imagine that he is probably in his office at the moment scanning applications for employment.

On March 14, in a colloquy with the distinguished gentleman from Pennsylvania [Mr. FULTON], he said this:

I will say this seriously: You send me a young colored couple and I will hire them right now. You send me a young colored man who can drive and I will hire him. Send me two more and I will hire them on my newspaper.

Well, somehow that statement happened to find its way to the newspapers down in Mississippi—who are always glad to lend a helping hand to our northern friends—and on yesterday I am very happy to say this memorandum from my office was delivered to me on the floor of the House:

We just received a phone call from Mississippi and they called to say they have a driver for Mr. FULTON. His name is Isiah "Smoky" Davis. He has many years of driving as a delivery man for a drugstore in Brookhaven. His expenses will be paid to Washington, Pittsburgh, or any place in the United States Mr. FULTON wants him. His salary is immaterial. "Smoky" is ready to go. He is sending a telegram to FULTON today. He can be addressed at General Delivery, Brookhaven, Miss. He has no criminal record, and there are no charges pending against him.

Now, I received a copy of the wire that was sent to the gentleman from Pennsylvania [Mr. FULTON] yesterday afternoon by Isiah "Smoky" Davis, in which he made application for the position and said that a letter will follow. Well, gratuitously Smoky has sent me a copy of his letter of application to the Honorable JAMES G. FULTON, Congressman, State of Pennsylvania, 246 House Office Building, Washington, D.C., which reads as follows:

I, Isiah Davis, a bona fide Negro male, 34 years of age, living and residing in Brookhaven, Miss., do hereby apply for the position you have for a young colored man who can drive.

I hold a good and valid driver's license in the State of Mississippi and have had several years experience driving, having been formerly employed by Walley-Field Drug Co. as driver of their delivery vehicle in the city of Brookhaven, Miss.

I beg to advise that I can report for duty within 48 hours and insofar as salary is concerned, I feel certain that your generosity will be sufficient. I will consider it an honor and a pleasure to be employed by you and I hope that I am the first applicant for this job because I do sincerely want to work for you.

You will note that I am sending copy of this letter to Hon. JOHN BELL WILLIAMS but I beg to advise that I have never seen Mr. WILLIAMS and that I have had absolutely no contact with him but I saw in the Jackson Daily News edition of yesterday where you and he were arguing and that you said you would accept any bona fide applicants for jobs.

Sincerely,

ISIAH DAVIS.

(Copies to Hon. JOHN BELL WILLIAMS, House Office Building, Washington, D.C.)

Mr. Chairman, "Smoky" Davis appears to me to be an ideal candidate for integration into the top level social strata of Brentwood and the other areas of Pennsylvania represented by Mr. FULTON.

I am sure that every Member of this body will be glad to join me in wishing "Smoky" and Mr. FULTON a long, happy, congenial, and profitable association together.

I am quite sure, also, that we will have little difficulty in assisting the gentleman further by furnishing applicants for the other positions which he has available.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Virginia [Mr. SMITH].

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the presiding officer this morning said that we have been writing this bill for 5 days. Now, he lost a little count of time. We have been writing this bill on the floor of the House for 7 consecutive days. This bill should have been written in the Judiciary Committee, and I have been anxious to find out why it was not. The Committee on the Judiciary has had before it this same legislation ever since the 28th of January. They have had ample time to consider the bill. They have had partial hearings on the bill. They have had the registrar bill before them for a month before that time.

Now, I am wondering just what is back of all this that we should be thrown into this state of confusion of having to write this bill on the floor when the committee to which it was referred has had ample time to make a report. Is it so that they just did not have the votes in the Committee on the Judiciary to get it out? I rather suspect that that is what happened in the matter.

Now, a question was asked awhile ago that I have been anxious to get an answer to on this amendment where we are seeking, for the first time, to invade the area of State and local elections. It has never been tried before. No committee has ever acted on it or reported it favorably. But, the effort is being made here to railroad it through the House on a measure for which there appears to be a great deal of popular support. We have a Civil Rights Commission. Those who favor civil rights legislation have had this Commission appointed. The life of that Commission has been renewed for a period of 2 years. That Commission made an important report last year which probably helped them to get a renewal of their life. They made two important recommendations. One was that Federal registrars should be appointed; and the other was that this legislation should be confined to Federal elections and not invade the area of local State elections. And yet the very people who favored that Commission have repudiated the only two important recommendations that the Commission has made.

Now why? Gentlemen here on the floor this afternoon, on this amendment to confine this to Federal elections, have asked the members of that committee who are supporting this legislation time and time and time again why they are including local elections, why they are repudiating the Commission which they had had appointed and which recommended that the voting provisions be limited to Federal elections. Why should we go to the expense of maintaining this Commission when, after they bring in their final, considered judgment, after consideration and investigation and hearings, their most important recommendations are ignored and repudiated by the very people who were responsible for their creation?

I hope this amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I renew my objections to this voting plan on grounds that, first, it will allow the Federal Government to count ballots as it were, and, secondly, it will allow the Federal Government to carry persons right into the polls. No one can justify doing this in purely State and local elections.

In fact, no one can justify the application of this plan to State and local elections in view of the traditional separation of powers. Where will the long arm of Federal interference end? Is it the intention of Congress to take control of elections for State and local officials away from the States?

This Congress up to March 1960 has never enacted a law establishing a conclusive presumption. You did that in this bill. The antitrust law went pretty far. It established a prima facie presumption. A prima facie presumption can be rebutted with proper proof. A conclusive presumption in theory cannot be rebutted. It is conclusive. It is final. I think this is one of the weak points in the bill. I think it jeopardizes the constitutionality of the bill. Having said that I would like to say that I will not shed any tears if it is declared unconstitutional.

The Attorney General of the United States, testifying before the Senate Rules Committee in January, said on page 347 of the printed hearings:

We do not want to take the election away from the States. We want them to conduct the elections the way they always have.

With all due respect in view of that statement, I do not think the Attorney General has really thought through what the result of this proposal would be. The voting plan would place in the hands of Federal officials the responsibility of administering State law; it would place in the hands of Federal officials a power to spy upon and to oversee the whole running of the State election as well as the Federal election.

I urge that the amendment be adopted, and that later the bill be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, there are two points I wish to make. No. 1, I am interested in H.R. 9452, introduced by the distinguished chairman of the committee, which was a registrar bill and which specifically provided for the very limitation which the gentleman from Idaho is attempting to write into the bill at this time. It is specifically limited to elections involving Federal officials, as appears on page 2 of that bill. I can understand the distinguished chairman's concern about broadening this election procedure and the Federal administerial function concerning it through appointive Federal referees beyond Federal elections.

The statement was made by the gentleman from Idaho that there had not been since the Civil War Acts were repealed by Congress itself back in 1894 an enforcement act enacted. I think what the gentleman meant was an enforcement act in the sense of a Federal administrative official taking over the function of a State administrative official. That is exactly what this bill does. A referee takes over the administrative function of registering people that presently is in the hands of the State registrar. In that sense I challenge anyone to point to any act that has been enacted by Congress since the repeal of the Reconstruction Act in 1894 where the Federal Government has superseded and taken over the acts of a local administrative official within a State by substituting a Federal administrative official to do his job. There is no such precedent, and I submit that is exactly what the gentleman from Idaho was talking about. Are we to return to the oppressive Federal substitution of federally appointed officials to do the job of elected State officials that led to such suppression and domination as occurred in the Reconstruction days—in 1960? Are we, for the first time since 1870, to again usurp the functions of elected State election officials with Federal referees?

I submit the following excerpt from the committee hearings on voting rights on page 62, quoting Judge Bloch on this point:

Doubtless the drafters of the bill H.R. 10035 proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather full 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. They were 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 pp. 390–391).

After that quotation, Justice Douglas alluded to and quoted from the committee report, House Report No. 18, 53d Congress, 1st session, page 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 of the Union."

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS of Oklahoma. Mr. Chairman, I believe I can put my finger on the crux of the situation, after having done some research and heard this debate. Here it is simply, in a nutshell, as I see it.

In regard to electing a Member of Congress—it would not apply to presidential electors and the Resident Commissioner of Puerto Rico, it would apparently not apply to those, and that is in the Budge amendment, but we have a specific constitutional provision stating that Congress can, if it wants to, determine the manner of holding elections for Members of Congress. That is section 4, article I. Whether it would be wise to do it is another question.

In regard to the 15th amendment, there is no such provision, so here is the thing that causes me to have great doubt about the constitutionality of this bill, that under this referee system that they use they are taking over at least partly the functions of the State election machinery determining the manner of holding State elections. That is the thing that is disturbing me.

Without expressing the wisdom of it at this time, I would say to these gentlemen that you can legally go perhaps even much further than this bill goes in preventing discrimination by a constitutional law. I think you could provide many things. I think you could provide in substance that if any registrar in a State or a State official charged with election duties were to discriminate against any person regardless of race or color and deny or abridge his right to vote, he would be guilty of a Federal offense. You could provide to bring such offending person into Federal court, you could send him to prison, you might even provide for damages, although damages can ordinarily only be allowed where there is some pecuniary loss and of course injunctive relief could be provided. I think you can go that far. I think you can break up any practice of discrimination, and I think it should be broken up by good laws when and if it exists, but I do not believe you can go in and take over the election machinery of a State government. That is exactly where the situation is, as I view it. I do not know for sure yet how I am going to vote on this Budge amendment because I think it is probably unconstitutional itself for the reasons I have mentioned.

Mr. JONES of Missouri. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

Mr. JONES of Missouri moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. JONES of Missouri. Mr. Chairman, this motion is made in all sincerity. I am, of course, not a lawyer, as you know; much less a constitutional lawyer, but I have heard so many admissions made here on the floor of the House by members of the Committee on the Judiciary that the amendments we are now discussing have not been discussed in the Committee on the Judiciary, hence there seems to be much confusion and disagreement among members of that committee of distinguished lawyers. I am also somewhat confused that it has taken the administration so long to determine what their recommendation is as to the kind of legislation we need to have. You really need a program of the races to follow everything that has taken place here during the last 7 days. I first thought I understood something about the rule under which this legislation was brought to the floor. The rule provided for the consideration of the bill H.R. 8601 and made in order the consideration of H.R. 10035 as an amendment. The gentleman from New York [Mr. LINDSAY] offered the bill H.R. 10035 as an amendment. Then we started offering other substitutes here. The gentleman from Ohio [Mr. MCCULLOCH] offered the bill H.R. 10625 as a substitute. As I understand it, the bill H.R. 10035, introduced on January 28, by the gentleman from Ohio, was supposed to represent the desires of the administration. Then by February 23 the administration had changed its mind and the gentleman from Ohio then introduced H.R. 10625. Well, we know after 2 days of going up the hill and down the hill that we were finally back where we started from with the original bill H.R. 8601. Then the gentleman from Ohio offered the bill H.R. 11160 as an amendment. But, it seems that in all the confusion—and there was some confusion, I believe, and I do not believe I was the only one who was confused—we read a bill which purported to be H.R. 11160 with an amendment. But, it seems when it was sent to the Clerk's desk in a hurry, the amendment was not in it. So then on the other side, the gentleman from New York picked up the same bill with an amendment in it and offered it. Since that time we have been debating two bills that have never been debated or considered in the House Committee on the Judiciary.

Mr. Chairman, if there is any orderly procedure at all, and if there is any reason or any excuse for having committees in this House of Representatives, I submit to you I think that the committee would be the proper place to decide and to at least come to some agreement or disagreement on what this bill purports to do instead of trying to write the bill on the floor of the House. We bring in closed rules here on other bills although I would not advocate a closed rule on a bill of this kind. Before I close, Mr. Chairman, I want to say we

keep hearing that we are talking about voting rights. I submit to you the proponents of this legislation have indicated time and time again that it is not just the voting rights that they are concerned with. They want to cover the whole waterfront. They have offered other bills here to take in everything under this title, and one of the bills was ruled out of order because of that. One of the gentlemen here today said that the only thing he knew about this was what he could get from reading the newspapers. I want to tell the gentleman that if you are relying on the newspapers to get the facts about this civil rights legislation, you have a very poor source of information. I read here in the newspapers in Washington this morning, and I think that this is the kind of story that goes out all over the United States, that it was the southerners who are prolonging this debate and that they were the ones who were causing the delay on this.

Mr. Chairman, I ask this question: Who offered these amendments? Who offered H.R. 11160? Who offered the amendment H.R. 10035? Who offered the amendment, H.R. 10625? Everyone of those amendments were offered by the proponents of this bill. I submit that they are the ones who have been causing the delay and not the people from the South. If you bring out a bill from the committee guaranteeing the right of qualified persons to vote, I am sure you would get it passed in this House.

Again, let me impress upon you this fact. I am serious and sincere in my belief that this bill should be sent back to the Committee on the Judiciary, in order that we can proceed in an orderly, and I would say an intelligent manner. No one—even those who claim to be constitutional lawyers—can give us any assurance that the action they are taking here, in considering amendments to pending amendments, is based on either the Constitution or sound legal grounds. If the rules of this House required that only those who understood the legal interpretation of the issues upon which they are voting, could vote, then every vote could be challenged on the grounds of an absence of a quorum. I think the record should show that on the question of adjourning early, and on practically every other delay that has taken place during the past 7 days, it has been the proponents who have requested the delay, just as they have been the ones who have offered the basic and drastic amendments which have kept us here, during what promises to be an unprecedented number of days for the consideration of any piece of legislation in the House. If the leadership of the Committee on the Judiciary had done its job, it would have been unnecessary to have taken all of this time, unless of course they were more interested in reprisals against the South than in securing voting rights for those whom they allege have been disenfranchised.

Mr. COLMER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, of course I am not in opposition, but I wanted to point out to the gentleman from Missouri [Mr. JONES] who has made a very clear and concise statement about the confusion that we find ourselves in that in these 7 days of debate we have not reached consideration of the bill that the Committee on the Judiciary reported out. We have been laboring over amendments that have been offered, which were never considered or voted upon by the Committee on the Judiciary.

The gentleman from New York [Mr. CELLER] started out with an amendment—really this is what started all this confusion—the gentleman from New York [Mr. CELLER] started out at the beginning with an amendment that would set up a system of carpetbag registrars; but then our friends of the opposition party were not going to be outdone by that, so they came up with the referee plan. Again demonstrating the party politics involved.

Now the gentleman from New York [Mr. CELLER] in his original proposition introduced a bill for registrars that would do what? That would only affect elections where Members of Congress and Federal electors were voted upon. But now the gentleman has abandoned that and he has joined unholy hands with the Attorney General and wants to go further, as the gentleman from Idaho [Mr. BUDGE] points out, and have the election machinery even on dog elections controlled by the Federal Government.

Mr. Chairman, the gentleman from New York would go even further than that, because as I pointed out previously in the debate he wants to go back to the Reconstruction days; and if we adopt that type of legislation, is that doing anything for this great country of ours?

I want to ask the gentleman from New York in all seriousness, and those who share his views, are you really doing anything for the people that you profess you are so interested in? What are you doing? You are stirring up racial strife all over this Nation, and I hate to think about what the next news from the North or the South is going to bring in the way of racial strife. It is a reenactment of the old Reconstruction conditions. What is that going to do for the people that they profess to be interested in? I think the gentleman from Missouri [Mr. JONES] has put his finger on it; you should not attempt to write such controversial legislation on the floor of the House.

The motion of the gentleman from Missouri should prevail.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. COLMER] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi did not talk against the motion.

The CHAIRMAN. The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

The question is on the motion offered by the gentleman from Missouri [Mr. JONES].

The question was taken, and on a division (demanded by Mr. JONES of Missouri) there were—ayes 101, noes 159.

Mr. RIVERS of South Carolina. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Idaho [Mr. BUDGE].

The question was taken; and on a division (demanded by Mr. BUDGE) there were—ayes 129, noes 148.

Mr. BUDGE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. BUDGE.

The Committee again divided, and the tellers reported that there were—ayes 134, noes 137.

So the amendment was rejected.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

UNITED STATES v. BERNARD SILBER

Mr. DOYLE. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 21st day of March 1960 at 9:30 a.m., in the case of the United States of America against Bernard Silber. Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA *v.* BERNARD SILBER—CRIMINAL NO. 753-58

To Representative CLYDE DOYLE,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8, in the city of Washington on the 21st day of March 1960 at 9:30 o'clock a.m. to testify in the above-entitled case.

This subpena is issued on application of the defendant.

HARRY M. HULL,
Clerk.
By JOHN A. O'BRIEN,
Deputy Clerk.

March 15, 1960.

David Rein, attorney for defendant, Washington, D.C.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative CLYDE DOYLE, a Member of this House, has been served with

a subpena to appear as a witness before the U.S. District Court for the District of Columbia, to testify at Washington, D.C., on the 21st day of March 1960, in the case of the United States of America against Bernard Silber, criminal case numbered 753–58; and

Whereas by the privileges of the House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative CLYDE DOYLE is authorized to appear in response to the subpena of the U.S. District Court for the District of Columbia in the case of the United States of America against Bernard Silber; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THERE IS TRAGEDY AND TRIUMPH IN THE HISTORY OF IRELAND

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

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

There was no objection.

Mr. LANE. Mr. Speaker, other nations are known for their political institutions, their commercial zeal, their military prowess, or their artistic and scientific achievements.

But Ireland, above all others, is identified by its religious faith. Wherever you go in this world, the name of St. Patrick is immediately associated with Ireland and the Irish.

On the yearly celebration of his birthday, in which other races and creeds join with us out of admiration for the qualities of the Irish people, it is customary to recall the example and the inspiration of our patron saint.

Through famine and persecution and the long struggle to win freedom, it was the faith of St. Patrick that sustained and strengthened the Irish when all else seemed hopeless.

When you compare the relatively small population of Eire today with the "world population" of Irishmen, you cannot help but conclude that this is the greatest missionary people that ever was, or will be.

For they are animated by love of God, of freedom, and the dignity of the individual.

St. Patrick was blessed with this spirit and this courage.

This is the quality of our race that we prize above all else.

In honoring the memory of St. Patrick, we not only reach back through the centuries and to the gift of Christianity that he brought to our people, but we are proud of its growth that finds fulfillment in the Ireland of today.

There are many of us who have dreamed many times about it, but have never had the opportunity to visit the land of our forefathers.

We are familiar with the sufferings and the glories of the past through the memories of the early immigrants—memories that have been carried forward through the generations.

And we wonder how things are with Ireland today.

The Republic of Ireland is about the size of the State of Maine. Its population is a bit more than 3 million. Eire embraces 26 of the 32 counties that comprise the Emerald Isle.

Bear in mind that Eire is the Irish term for Ireland—all Ireland—which anticipates the day when all the 32 counties will be reunited.

Some people wonder why "the wearin' of the green" means so much to the Irish. And why not when it is the symbol of spring and summer and all the creative forces of life itself?

We expect to see it in the forests and gardens and lush meadows.

But in Eire the fences are green, and so are the letterboxes, the trash cans, the lampposts, the buses, the front of the corner post office, and the face of the local pub.

Eire has become well known for its hams, bacons, tweeds, poplin, laces, linens, whiskies, flower bulbs, frozen beef, clothes, shoes, raincoats, waterford glass and crystal wares, fine bloodstock horses, and thoroughbred dogs and cattle.

The Irish people are the best fed in the world.

This is quite an improvement from a hundred years ago, in terms of physical health and well-being.

At the time of the terrible famine in 1846–47, Ireland had 8 million people, of whom nearly 1 million starved to death and 3 million emigrated.

The crime and suicide rate in Ireland today is the lowest in Europe.

But here we come to one disturbing note. One-sixth of the population never marries, which is a far higher proportion than elsewhere in the world. When the Irish do marry they produce more babies per couple than anybody. Why then, with their devotion to family life, do so many fail to marry?

Successive governments in Eire have had to contend with two of the evils which independence had been designed to cure; a high level of unemployment and a high rate of emigration.

It came as an unpleasant surprise to the Cosgrave government that the emigration flood did not immediately dry up when Ireland won her independence. It was even more disheartening for De Valera's government to find that its self-sufficiency remedy was also useless. In the year 1950 over 40,000 men, women, and children emigrated, nearly 1.5 percent of the population; and Ireland became the only country in the world whose population declined in the first half of the 20th century.

It was easy for the Irish statistical office to prove that, by 1950, the population had actually risen slightly again, in spite of emigration. But this did not conceal the fact that Ireland had the lowest marriage rate of any country in the civilized world. The average age at which men married was 35—considerably higher in the rural areas—a curious situation for a country which venerated the family as an institution. Various guesses were made as to the cause of this decline.

It was generally agreed that the low marriage rate was due to social and economic factors. The scarcity of land made it hard for a young man to marry until the death of his parents passed the possession of the farm into his hands. By that time, he would be twice-cautious in his choice of a wife.

Meanwhile, there was the flight from the land of younger sons—and daughters who did not intend to wait until some boy—as landless men were called until well into old age—came into a farm and felt that he had sufficient security to propose to her.

Agricultural reforms and increased industrialization are necessary to create more economic opportunities for young people.

The Government provides a wide variety of social services, including many on an insured basis as in the United States. However, I notice a few extra provisions designed to cope with the marriage deficit.

The marriage benefit consists of a lump sum of not more than 10 pounds and not less than 3 pounds, payable on marriage and then only to an insured woman.

Maternity benefits consist of, first, a lump sum maternity grant; and second, a maternity allowance covering 6 weeks before and 6 weeks after confinement.

There is also a program of children's allowances to help in raising a family. A person is eligible for a children's allowance if he has two or more qualified children living with him. Such a person need not be an Irish citizen.

Nurtured by a moist and mild climate favorable to grass, two-thirds of Ireland's agricultural land is pastureland. In turn, this fact gives rise to the great livestock industry, which is the mainstay of the country's economy. Although agriculture has become more diversified in recent years with the growing of grain, root crops, and fruit, livestock and livestock products continue to be of primary importance and account for over three-fourths of the gross value of farm output.

The Irish Government, convinced that the years immediately ahead are decisive ones for Ireland's economic future, laid before its Parliament in late 1958 a white paper which outlines a comprehensive 5-year economic expansion program. It is designed to increase the present national income by 2 percent annually, a rate which is twice that achieved in recent years. This would double real national income in 35 years.

More and more foreign firms are starting new businesses in Ireland where they are warmly welcomed by both Government and people.

The industrial development authority offers special advantages to attract new industries. The Government provides outright nonrepayable grants for new industries up to the full cost of factory buildings.

The Government is also prepared to pay up to 50 percent of the cost of plant and machinery. Additional grants are available to cover the cost of training workers.

Profits earned by new firms from exports are exempt from income tax, and corporation profits tax.

Ireland is the only north European country with a manpower surplus. There is more than sufficient manpower readily available to double the scale of Irish industry within a decade.

Irish workers are adaptable and efficient, and they readily acquire new skills.

The pool of skilled labor can at any time be added to from among the very large number of Irish skilled workers in Britain, many of whom welcome the opportunity to return home.

Because of its geographical position as the outpost of Europe, and closest to the United States, Ireland has become important to the world of air-transport.

She has two international airports, located at Dublin and Shannon. Each is Government owned and operated. Shannon is a free port. The Government is building new facilities at Cork in order to increase tourist traffic to southern Ireland.

Shannon Airport is used for aircraft on transatlantic flights. A new terminal, able to accommodate 10,000 travelers has been completed. According to statistics, the year 1958 was a record one for Aer Lingus. More than a half million passengers and over 9,000 tons of cargo were carried, an increase of 60,000 passengers and 1,000 tons of cargo over 1957.

There was a record harvest in Ireland during 1959, with excellent wheat and barley crops, a boom in the tourist business, and a rise in the cattle exports to Britain.

Of greater importance, however, is the initiative shown by industrialists. Instead of limiting themselves to the home market behind the protection of tariff walls, they are becoming export minded.

According to the New York Times of January 12, 1960:

> In recent months they have been exporting television sets to Singapore, glassware to Hong Kong, railway carriages to Lebanon, picture postcards to Thailand and Peru, nylon stockings to British Guiana, concrete mixers to the Middle East.

In the field of education and cultural development, it is noteworthy that some of the most beautiful prose in the English language has been written by the Irish.

The world-famous Abbey Theatre was destroyed by fire in 1951. In spite of its limited resources, the Irish Government immediately allocated $700,000 for its reconstruction.

Through the centuries they have been masters of the spoken word.

Every school child learns about the Fianna who served the high kings over 2,000 years ago. Each had to jump over a stick his own height, to stand in a hole up to his chin and defend himself against 9 men, to run through a wood without breaking a twig under his feet or a leaf over his head, to take a thorn from his foot while running, and, in addition, to know 12 books of poetry and to make a poem himself.

For the Gaels have imagination, a sense of wonder, and a love of beauty.

With their respect for the craft of letters, they brought a creative wealth to English literature through such writers as Swift, Sheridan, Wilde, Shaw, Moore, Synge, Yeats, Joyce, O'Casey, and many others.

St. Patrick died in the year 461, at Saul, near Downpatrick, where he had built his first church.

He would be proud of his people and their indomitable faith in the year 1960. They have economic and social problems, 'tis true, but nothing like the terrible troubles of the past.

Two centuries after St. Patrick's death, all Ireland was dotted with monasteries, and she was known throughout most of Western Europe as Insula Sanctorum.

With her reverence for God and her love of humanity she kept the light of civilization glowing through the Dark Ages when the barbarians overran Europe.

Perhaps the world is passing through a similar period today, as the tremendous power of science dwarfs the spirit of man.

This is a time for us to follow the example of St. Patrick, as never before.

The Irish may be small in numbers among the more than 2 billion people on this globe. But they are blessed with a faith that is eternal.

On this day that is devoted to the memory of our patron saint, we rejoice in the traditions and customs of the Irish, and honor the country where our ancestors were born.

Confident that the mission of St. Patrick goes on through us to help bring the world to an understanding of peace, with freedom and justice, under God.

DRINKING AND SERVING ALCOHOLIC BEVERAGES ON AIRLINES

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. LANE. Mr. Speaker, I insert in the RECORD the following communications on the subject of the drinking and serving of alcoholic beverages aboard air carrier aircraft:

FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 17, 1960.

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D.C.

DEAR MR. LANE: We regret the delay in replying to your letter of February 4, 1960, concerning the progress that this Agency is making toward carrying out the proposed intent of the amendment to the civil air regulations governing the drinking and serving of alcoholic beverages aboard air carrier aircraft. You specifically request to be advised if all airlines have been informed and whether or not the aircraft industry has been advised as to instructions to pilots and stewardesses, and what standards will be used by these personnel to effectively carry out this amendment.

Our advice to the airlines was dispatched only recently as you will see from the enclosed copy of a letter which has been mailed to the presidents of all the airlines. The letter sets forth the views of this agency as to what is expected of the airlines in connection with the regulation and the manner in which the Agency plans to conduct enforcement action resulting from failure to comply with its requirements. I believe the letter to all airline presidents contains the information you desire.

As the enclosed letter indicates, the airlines must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person "appears to be intoxicated." In the administration of this standard the cooperation of the airlines is requested in providing their passengers with information, in a readily understandable form, regarding the existence of this rule and its prohibitions. In this connection it is suggested that the airlines provide appropriate instructions to the cabin attendants and other crew members. The airlines are further advised that they should not hesitate to contact us regarding any questions they may have concerning this matter.

Your interest in this matter is appreciated. Do not hesitate to call upon us at any time that you think we may be of service.

Sincerely,

E. R. QUESADA,
Administrator.

FEDERAL AVIATION AGENCY,
Washington, D.C., March 2, 1960.

The Federal Aviation Agency, after due consideration of all factors involved, has adopted a regulation with regard to the drinking and serving of alcoholic beverages aboard air carrier aircraft. This regulation has an effective date of March 10, 1960, and specifies that:

(a) No person shall drink any alcoholic beverage aboard an air carrier unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated.

It has recently come to my attention that there is some concern among the airlines as to what is expected of them in connection with this regulation, and how this Agency plans to conduct any enforcement action resulting from failure to comply with its requirements. The purpose of this letter is to give you the views of this Agency concerning these two points.

As to what is expected of the airlines, I believe you must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated. Going beyond this basic legal requirement, we request your cooperation in providing information to your passengers, in a readily understandable form, regarding the existence of this rule and its prohibitions. One logical means of fulfilling this responsibility would be to include a brief, printed explanation in the public relations folders which are normally provided all passengers and are usually found in the pocket in back of each passenger seat. We further request that you report any violations of this rule, which your personnel observe, by passengers drinking alcoholic beverages from personal sources. These reports should be supported by statements from other passengers, crew members, or any other individual witnessing the violation. In this connection, we suggest that appropriate instructions to your cabin attendants and other crew members be included in the handbooks or manuals provided these personnel.

We would like to encourage another step on the part of the airlines which would materially help to control drinking aloft. We hope you will speedily resolve any differences you may have and unanimously adopt an industry code covering this practice. We are aware of at least one proposed code of this nature in which the airlines

would agree to limit the size and number of drinks which may be served to any individual during a flight. This proposal also contains a stipulation that the availability of alcoholic beverages on certain flights would not be advertised or otherwise promoted or emphasized. This type of cooperation, as a further means of insuring moderation, is heartily endorsed.

With regard to the policies of this Agency from an enforcement standpoint, we expect to pursue vigorously any report of a violation submitted to us by any airline, by any airline passenger or other individual, or by any of our inspectors who, in the course of their normal inspection duties in conjunction with airline operations, observe such violations.

Speedy enforcement action will be initiated in any case where the facts support the charges. It should be emphasized that any airline which serves alcoholic beverages to a passenger who appears to be intoxicated will be subject to enforcement action, as will any individual who consumes an alcoholic beverage not served to him by the air carrier.

I am confident that I can expect the same cooperation from you in this matter that you have shown on many other occasions in the past. Your personal endorsement of this program, and your assistance in seeing to it that it is understood by all personnel within your organization, will do much toward gaining the necessary acceptance and cooperation on the part of the general public.

If you have any questions on this matter, please do not hesitate to ask them. We shall be glad to assist in any way we can.

Sincerely,

E. R. QUESADA,
Administrator.

THE REPUBLICAN-SOUTHERN DEMOCRATIC COALITION, 1937–59

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, a curious article entitled "Good News for Businessmen, Whoever Wins Congress" appears in the March 14, 1960, issue of U.S. News & World Report, pages 64–67.

It purports to be based on a study of the Republican-southern Democratic coalition in the House released February 29 and conducted under my direction. After considerable searching in my files, I have concluded that the U.S. News article must refer to a research paper which I inserted in the CONGRESSIONAL RECORD for January 27, 1960, on page 1441. However, aside from the few direct quotations out of context it bears little resemblance to the original study, which was entitled "The Republican-Southern Democratic Coalition, 1937–59."

Woven among the quotations from this research paper are a hodgepodge of editorial remarks which the casual reader might conclude also came from the coalition study. Most of us have become accustomed to David Lawrence's techniques of editorializing and fact-twisting in so-called news items in his magazine. But in this case I think it is necessary to point out that the distorted statements contained in this article did not, in fact, come from the paper I placed in the RECORD.

For example, in the second column on page 64 and elsewhere in the article references are made to the "liberal outlook" or "the outlook as liberals see it." The conclusions following these references must have been dreamed up by Mr. Lawrence or one of his writers because they do not appear anywhere in the research paper.

The U.S. News article presumes to state these conclusions as part of the "liberal outlook":

> The Thompson study offers a new basis for sizing up the political climate as it will affect business. The outlook, as liberals see it:
>
> A check on the trend toward higher Federal spending.
>
> Resistance to any new "soak the rich" tax proposals, but no sharp cuts in present rates.
>
> Only a moderate increase, if any at all, in the minimum-wage rate, now $1 an hour.
>
> Protection of the labor reform law, passed by Congress last year, against any efforts to repeal or greatly modify it.
>
> No major tightening of the antitrust laws that would put severe new restrictions on business.

Mr. Speaker, these statements are not included in, nor can they be construed by any reasonable man, as having come from any statement or conclusion in the study previously referred to.

The entire tone of the article proclaiming "Good News for Businessmen" raises the interesting question as to what kind of businessmen Mr. Lawrence has in mind.

Is it possible that most businessmen feel that "no major tightening of the antitrust laws" is "good news"? I think not. I have recently introduced a bill, H.R. 9839, to tighten up the antitrust laws by increasing penalties for violations. It has the full support of the National Federation of Independent Business and many other small businessmen who have been squeezed by giant monopolistic corporations.

Is it "good news" to businessmen that tax cuts are unlikely or "good news" that they may be forced to pay even higher interest rates on money they borrow if the bill to eliminate the 4¼-percent ceiling on Government bonds is passed? I think not.

It would appear that "businessmen," as pictured by the U.S. News, means big businessmen, desperately in need of political tranquilizers, not the thousands of small businessmen who have been shut out of lucrative defense contracts; not those who have been the victims of discriminatory pricing practices, nor those small businessmen who have been forced into bankruptcy by the administration's "boom and bust" economic policies.

The U.S. News article, when it departs from its editorial jousts with imaginary statements, does make it clear that the responsibility for any major shortcomings in the performance record of the 86th Congress rests with the Republican-southern Democratic coalition majority, backed by the President's ever-present veto.

Any failure of this Congress to enact a meaningful farm program, an adequate increase in the minimum wage, needed improvements in the Social Security Act, an effective civil rights bill, an adequate education bill, distressed area legislation, or the pending housing measure can and will be attributed to the domination of the House of Representatives by the coalition of Republicans and southern Democrats.

The coalition is also playing an important role in Vice President NIXON's campaign strategy. Knowing their political astuteness, I have been somewhat puzzled as to why our Southern friends in the House permit themselves to be used in this fashion by the Republican presidential candidate.

His strategy was outlined by columnist Doris Fleeson in her January 21, 1960, column in the Washington Evening Star:

> The broad strategic aid of Vice President NIXON's preconvention campaign is now clear. It is to make the House of Representatives the graveyard of Democratic efforts to build a record of real legislative accomplishment this year.
>
> Democrats need that record desperately to support a campaign based on the issues. They will have to wage such a campaign because they lack a star of sufficient political magnitude to meet Mr. NIXON with all his present advantages on anything like equal terms. They probably will not even know who their candidate will be until the convention decides. * * *
>
> His (NIXON) troops are the old conservative coalition of Republicans and southern Democrats which Republican House Leader HALLECK began to put together last year. Mr. NIXON has extended their supply lines into the White House and the Republican National Committee. Held in reserve is the President's veto power.

Mr. Speaker, while I realize that it is asking a great deal, I hope that in the future Mr. Lawrence and his U.S. News writers will be a little more careful in specifying what they are quoting or attributing to a news source and indicate clearly to their readers what portions of news articles are editorial meanderings.

HON. LEO W. O'BRIEN

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. DULSKI. Mr. Speaker, LEO W. O'BRIEN, Democrat, of Albany, N.Y.; born in Buffalo, N.Y., September 21, 1900, graduate of St. Joseph's Collegiate Institute, class of 1918, graduate of Niagara University with a B.A. degree in 1922; newspaperman from 1922 to present; member of Albany Port District Commission, 1935–52; profession: reporter and radio television commentator.

Congressman LEO W. O'BRIEN has had three separate careers, all of them relating to public affairs.

He was a newspaperman for 30 years, entering that field immediately after his graduation from Niagara University in 1922. For many years, he was Albany bureau manager for International News Service, as well as political writer for

the New York Times, the Albany-Times-Union, the Syracuse Herald-Journal, and the New York Sun.

During his years as a legislative correspondent in Albany, he covered the presidential campaigns of Alfred E. Smith, Franklin D. Roosevelt, and Thomas E. Dewey, and attended most of the national conventions of both major parties during the last 24 years. He is a former president of the Albany Legislative Correspondents' Association and winner of the alumni award for best reporting at the State capitol.

Congressman O'BRIEN also has had extensive experience in the fields of radio and television commentary. In 1950 and 1951 he won the Ohio State award for the best commentary—radio—in the Nation, competing against many top network personalities. In 1951 he also won the Sigma Delta Chi—the national professional journalistic society—award for top national commentary in both radio and television.

Early in 1952, Congressman O'BRIEN ran for Congress in a special election to succeed the late Representative William T. Byrne. He was reelected in November 1952, 1954, 1956, and 1958, representing the 30th District in New York State. He is a member of the Interior and Insular Affairs Committee, chairman of the Subcommittee on Territorial and Insular Affairs, which handles such problems as statehood for Alaska and Hawaii, and also a member of the Committee on Interstate and Foreign Commerce. Mr. O'BRIEN is a member of the Alaska International Rail and Highway Commission, having been appointed by the President in 1957. He served as a member of the newly created House Select Committee on Astronautics and Space Exploration.

Mr. O'Brien was married in 1925 to the former Mabel Jean, of Cambridge, Mass. They have one son, Robert Olden O'Brien, who followed in his father's journalistic footsteps, working for 6 years as a writer for the United Press.

Congressman O'BRIEN has been urging in Congress a sweeping overhaul of recruiting methods for the Foreign Service, with emphasis upon "Operation Main Street." Nine other Congressmen have joined him in his bipartisan move.

The newspaper profession of Albany recently selected Mr. O'BRIEN as the recipient of their first Man of the Year Award.

The University of Alaska honored Congressman O'BRIEN by giving him an honorary doctorate of laws.

EXCERPTS FROM SPEECH DELIVERED AT THE FRIENDLY SONS OF ST. PATRICK DINNER, BUFFALO, N.Y., BY REPRESENTATIVE LEO W. O'BRIEN, ON MARCH 17, 1960

I am deeply honored by the opportunity to address this large and distinguished group on a day dear to Irishmen everywhere.

I am grateful, too, because this is the city where I was born and some in the audience tonight were friends of my boyhood. It is nice to come home.

What are we celebrating tonight? We are, of course, honoring a great saint. We are, of course, paying tribute to the people of Irish descent in this great land who have contributed so much to every facet of our national life.

But, above and beyond all these things, we are honoring what might be called the Irish spirit. In this assemblage tonight are many who are not of Irish descent. They are doing more than breaking bread with those of that racial ancestry. They are claiming kinship with traits which the Irish possess in abundance, such as the gift of imagination and poetry, the quickness to both laughter and tears; the softness of heart and the spirit of adventure.

Some of us, whether we have Irish or other blood in our veins, need go back but a single generation to find an ancestor who came to this country seeking a freedom and an opportunity, spiritual and economic, which was lacking in the old country. And we have found that freedom and opportunity in overrunning measure, freedom of religion and speech and opportunity to carve out any career within our respective capacities.

At this head table and everywhere throughout this room are men and women whose very lives and careers demonstrate that this is the place of opportunity, whether the seekers came here on the *Mayflower* or in the steerage of a 19th century sailing ship. I see great judges here and noted clergymen; I see Congressmen and mayors, and businessmen and professional men. Name the occupation and I will name a guest here to fill it.

This, then, you may say is Utopia. This, then, is the land where all men truly are equal in the field of opportunity.

But there are gaps in the ladder of opportunity. Not yet can we say that all fields are open to the competent. We still have a silken curtain in our land. It stands in the way of the enormous talents "Main Street" has poured into our Government, our professions, and our businesses. It lies between most of us and the vital Foreign Service of the United States.

Nearly 3 years ago, I asked a bipartisan group of Congressmen, representing districts from New England to California, to join me in urging that this silken curtain be torn down. We called it "Operation Main Street". This was not an idea conceived during a sleepless night. It began when I was a political writer.

When my son was in college, I discovered that the average young American does not include our vitally important Foreign Service among prospective careers. As I listened to my son and his friends discuss what they planned to do, I learned that their interests strayed through many fields, including law, politics, medicine, science, business, and so forth. It struck me as very significant, in a time when our survival depended upon an adequate Foreign Service, that none of these young people was even toying with the thought of a career therein.

I came to the conclusion that these and other young people of our country subconsciously believe there is a silken curtain between them and the Foreign Service. Rightly or wrongly, they have the vague impression that the Foreign Service is for a special group in our society.

This has done more than divert brilliant talents away from our Foreign Service. It has made it almost as difficult to sell our foreign policy at home as it is abroad.

When we lose a battle in a war, our people, however regretfully, say that "we" lost it, because they know it was fought by their sons or youngsters like them. If we lose a diplomatic battle, most of us say "they" lost it, meaning those who represented us at the conference table or in foreign places. A sizable injection of "Main Street" in our foreign service would eliminate this dangerous "different teams" attitude in our country.

I do not criticize the present or past State Departments, as I think they are trying desperately to remedy a situation which they recognize. I think they know a transfusion is needed to move our diplomatic system from mid-Victorian drawing rooms to the jet age and business suit era. But the tools are lacking, tools which only Congress and the President can supply.

If the commission proposed in our resolution is created, it should consider the idea of a crash program to enlarge our Foreign Service and, at the same time, proclaim to the Nation that the talents of Main Street, of your son and mine, are desired.

Under such a program, which might involve extensive on-the-job training, I think there would be a great rush of applications, in response to which most of our colleges would provide special courses, as they now provide courses leading to other careers.

We appropriate huge sums each year for national defense, including the latest in atomic weapons. Why not consider the enlargement and vitalization of our Foreign Service as a potent weapon in the cold war which, in the final analysis, will be won or lost in that field?

I can assure you, from my own observation, that what I contemplate will be accepted by the American people. During the last 8 years, I have spoken of it before many thousands, at universities and at business gatherings, to experienced Foreign Service people and just plain folks. They want Main Street in our Foreign Service.

You may ask what we would do about the specific training of these young people after they are chosen.

I have one pertinent suggestion. In our newest State—Hawaii—and in our only commonwealth—Puerto Rico—we have large and very wonderful universities. The students at the University of Hawaii are from both East and West. On the campus you will hear the drawl of Indiana and the soft accents of Asia. On the campus of the University of Puerto Rico you will hear voices from Brooklyn and Brazil.

Our young men—some of them—could be sent for special postgraduate training in especially created graduate schools at the Universities of Hawaii and Puerto Rico, soaking up not only the languages but the cultures of the places in Asia or Latin America where they might represent us.

I would also establish similar graduate schools at several mainland colleges. The cost of all this would be but a fraction of the cost of a proposed "West Point for Diplomacy."

Forgive me from straying from the strictly Irish theme tonight, but I chose to outline my ideas—my dream if you will—to a group which knows and cherishes the full meaning of opportunity. And opportunity to win the services of the best in our land is all I seek for the Foreign Service.

GOOD EDUCATION COSTS MONEY

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. PORTER. Mr. Speaker, since the earliest days on the American frontier education has been dear to the hearts of the American people. Believing that religion and education were the twin foundations of good government, they were willing to make whatever sacrifices were necessary to build good schools and churches.

As early as 1785 the American Government provided for the ceding of the 16th section of every township in the

public domain for educational purposes. Two years later, the Northwest Ordinance stated:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

FOUNDING FATHERS AGREE

The Founding Fathers agreed on the need for national support of the schools. In his first message to Congress, Washington said:

> There is nothing more deserving your patronage than the promotion of science and literature.

Alexander Hamilton, the Secretary of the Treasury, declared that:

> Whatever concerns the general interest of learning * * * are within the sphere of the national councils, so far as regards an application of money.

Said Thomas Jefferson:

> I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people.

Jefferson and his colleagues knew democracy could not succeed unless the people were educated. Today, the complex demands of our globe have placed new responsibilities on the teachers, students, and classrooms of America.

OVERCROWDING AFFECTS EVERY STUDENT

School buildings are not being built at a fast enough rate to keep up with the rising school enrollment, not to mention reducing the backlog or improving school standards. Overcrowded classrooms affect every child involved. Statistics can tend to be misleading by stressing excess pupils. But in a class of 40, while only 10 children are labeled excess, the remaining 30 are equally affected.

The shortage of qualified teachers is as pressing as the shortage of classroom space. The Nation has been reluctant to offer sufficient financial remuneration or status to draw enough qualified persons into the teaching profession. In the fall of 1958 the Office of Education estimated the total teacher shortage to be 132,000, or about 10 percent of the total. There were also 92,000 persons teaching on an emergency basis with substandard certificates. The number of persons preparing each year for a teaching career is insufficient to meet the quantitative need for teachers, let alone to upgrade standards.

A NATIONAL ISSUE

With our school population expanding at an unbelievable rate, at the same time that the cost of operation is mounting steadily, school districts in all parts of the Nation are discovering that the traditional property tax base is simply not adequate to cover the cost of education. Seventy percent—in rounded figures—of Oregon's estimated local and State school revenue was derived from property taxes in 1957–58; the national average was 54 percent.

The quality of education in the United States is a national issue rather than a merely local one. And yet it is the only national problem that we have not attempted to solve on a national basis. Looking at statistics we find that from 1870 to 1955 our population grew from 40 million to 165 million.

During this same period, while our general population increased 4 times, our public school population increased approximately 80 times. Under our present rate of population development, the bulge of the future will press down even more heavily on our already burdened facilities. In my own State of Oregon an increase of 20 percent is the projected percent of change in population 5–17 years of age from 1957 to 1963.

Oregon is proud of the effort her citizens have expended in the field of education. Of their total personal income, 12.3 percent is taxed for State and local general revenue, ranking her seventh among the States of the Union. Oregon derives 67.5 percent of her revenue for public elementary and secondary schools from her local government; 29.3 percent from the State government; and only 3.2 percent from the Federal Government.

School costs in Oregon are going to increase from the present $185 million to at least $370 million in the next 10 years. The important question is whether we can raise through State and local sources alone, another $185 million for education? Can the people of Oregon double their present personal taxes spent on education? I do not think so.

LET US FACE FACTS

Our national debt is large, a matter of concern always, but in relation to national assets or gross national product, the national debt has actually decreased over the last decade. In 1949, the Federal debt was 93 percent of our gross national product, but in 1959, it was only 62 percent. In 1949, the national debt was equal to 115 percent of our national income; in 1959, it was only 71 percent.

We spend more on a soldier's 6 months basic training than the public schools spent on all of his previous training. We are wealthy enough to educate our children. Our only real important resource both from the standpoint of individual and national welfare, and certainly essential to national defense, are our children.

All legislation proposing Federal participation in school financing in recent years has specifically excluded the possibility of controls from the bills. In all cases the money is to be given to the States for distribution on the State formula for the purpose for which the money is allocated. And may I stress that Congress is just as determined to exclude Federal control as is the general public.

The frequently heard argument that the cost of collection and administration of the Federal dollar is too high—"send a buck to Washington and 50 cents stays for cost for administration," and so forth—does not seem to bear much basis in fact. Actually the cost of collecting Federal taxes is approximately 44 cents per $100. The cost of collecting State taxes range from 95 cents to $2.34 per $100 collected. The cost of collecting and administering local revenue has run as high as $5 to $10 per $100. No figures are available on the costs of administration at the State level, but the cost of administering 10 grant programs of the Federal Government averaged 1.2 percent of the amounts distributed. This means the cost of collecting the Federal tax dollar and the administration of Federal grant programs totals about 1.6 percent. That is quite a distance from 50 percent.

A NATION ON THE MOVE

A basic factor to be considered in the financing of public education is the fact that there is little or no relationship between the location of wealth in our country and the location of the children to be educated. We are a people continually on the move; 35 million of us change our addresses every year. There are long-term currents of migration especially to the north and west. Thus, the effects of education offered in a given school may be registered in a State far removed from where the education was acquired.

The 1950 U.S. census figures show that some 57 percent of Oregon's population are not native born, while some 245,000 native-born Oregonians are now living in other States. As a consequence of this interstate movement of population it is only logical that wealth must be taxed where it exists and the revenue applied where the need exists.

Most Americans believe that schools are a good investment. We must frankly recognize that the cost of good schools and good teaching, while expensive, yields substantial dividends. As the Rockefeller reports put it:

> The Nation's need for good education is immediate and good education is expensive. That is the fact which too many Americans have never been quite prepared to face. At stake is our national greatness and our aspirations for the dignity of the individual.

It is well to remind ourselves that no school can be better than its teachers.

As we move into a new decade and face the problems of the space age, we also must face the question raised by the New York Times on November 15, 1959:

> The debate over the national support of education will turn around this central question: Is the job one of emergency troubleshooting or of reshaping the stewardship of American education?

REFEREES VERSUS REGISTRARS

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, I was pleased to note in this morning's Washington Post an editorial endorsing the voting referee proposal as part of the civil rights bill currently being debated in the House. It is gratifying to receive this support for a program which many of us have argued is both sensible and workable, and therefore probably the most effective approach that has yet been suggested.

I note the editorial suggests the importance of leaving referees free to enroll applicants without the rigmarole of individual findings when a pattern of dis-

crimination has been found. This suggestion has been met and the bill as it stands avoids the requirement of individual findings except to the extent, of course, that an applicant must meet the requirements of residence, age and any other proper requirement to be qualified for voting under State law.

The text of the editorial follows:

[From the Washington Post, Mar. 18, 1960]

REFEREES VERSUS REGISTRARS

After the near defeat in the House on Tuesday, supporters of civil rights legislation have stuck pretty close to the administration plan for court-appointed referees in voting cases. This is the plan whereby Federal courts could appoint voting referees when a pattern of racial discrimination had been found to exist on the basis of the records. These referees would be empowered to examine qualifications, certify qualified persons for registration in State and National elections and follow through to see to it that each certified applicant actually was given a chance to vote. To this the House has added a clause permitting applicants to vote provisionally before their individual cases are settled.

In our view this approach is preferable to either the registrar plan suggested originally by the Civil Rights Commission or the enrollment plan sponsored by Senator HENNINGS (and by Representative KASTENMEIER in the House). We say this even though we have great respect for the meticulous fairness with which Senator HENNINGS approaches such matters. Undeniably there would be certain benefits, from the standpoint of tidiness, in a one-package procedure whereby Presidentially appointed enrollment officers would actually enroll qualified applicants under State law and assure them the vote.

But the particular advantage to the referee plan, it seems to us, is that it would remove some of the psychological objection in the South to "intervention" from Washington. The referees would be appointed by, and responsible to, Federal judges who command respect as local citizens. Presumably they would be members of the local bar in accordance with a well-established court procedure. There would not be the same ground for complaint, however flimsy, about a new administrative procedure imposed from the outside.

At the same time there is a good deal of point to Senator HENNINGS' criticisms of possible obstacles and complications in the referee plan. For each individual applicant to be required to show that he had been turned down, and then to seek out a referee, would be far from simple. Could not the two proposals be combined so as to continue the referee concept, but to instruct referees to enroll applicants without the rigmarole of individual findings when a pattern of discrimination had been found? Some such procedure would make the plan a lot more palatable to those whose concern is the extension of voting rights to all qualified citizens with the least litigation or delay.

The entire problem is extremely complex, and no believer in full voting rights can afford to be dogmatic about method. The diehard opponents are not going to like any plan. It is noteworthy also that while "patience" has been pleaded on behalf of States where discrimination exists, American Negroes have been as patient as any group in world history—and their patience, judging from the recent sitdown protests, is wearing thin.

The objective still ought to be a bill that will accomplish the purpose in the easiest, most straightforward manner compatible with the Constitution. Nevertheless, it is important to consider also the degree to which the bill comports with established procedures, facilitates withdrawal upon good faith compliance, and seeks to minimize resentments in the area. Inasmuch as there are many economic and other pressures upon potential Negro voters other than outright intimidation, the degree to which resentment is allayed can be a material factor in the success of any voting rights measure.

CONSUMERS' STAKE IN THE AGRICULTURAL PROGRAM

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, any time this country adopts a program of scarcity, you can be certain the consumer will be the loser.

Some Members of Congress have sponsored a group of virtually identical bills called the Family Farm Income Act of 1960. These bills set up an involved program for agriculture that would seek to do away with plenty and replace it with scarcity when it comes to food and fiber products for the market.

The price objective in the bills averages about 30 percent more than prices presently being received by our farmers. However inviting this sounds, the truth is that to obtain such prices, productivity would be sharply cut back.

This would be at the expense of the farmer because it would be like offering an industrial worker a high per hourly rate of pay times no hours of work.

This would also be at the expense of the consumer.

At a time when this country is doing its utmost to whip the problem of inflation, this bill proposes that legislation be enacted which would permit an upsurge in the price of food.

This upsurge would be put into operation by the votes of two-thirds of our farm producers. Since our farm people constitute about 10 percent of the population, this means that a price increase of this magnitude could be voted by 6 or 7 percent of our population, over the protests of 93 or 94 percent.

Furthermore, this act, in effect, denies to the consumers the fruits of our scientific advances in agriculture during the past 50 years. It would reestablish price relationships as they existed before 75 percent of the present population was born. All the money that we have spent on improving the techniques of agricultural production, lowering the cost of producing farm products—the effect of all this effort would be denied.

Most damaging would be the adverse impact this bill would have upon the low-income people of the United States for whom food is often the largest single outlay in the family budget.

PROGRESS WITHOUT FEDERAL MONEY

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD a press release dated March 5, 1960, headlined "Northrop Describes Philadelphia's $100 Million Food Distribution Center at Appraisal Conference."

The significance of this announcement is that private enterprise and local government in Philadelphia have moved ahead to provide adequate healthy marketing facilities for the city of Philadelphia.

As far back as 1949 there were attempts to have the Federal Government move into the area of helping finance marketing facilities because it was alleged they were unhealthy and inadequate. Like clockwork every 2 years or so this bill would reach the floor of the House under the sponsorship of the gentleman from North Carolina [Mr. COOLEY]. Fortunately the arguments of my colleagues and myself that private enterprise and the local communities not only could but should take care of these problems prevailed. This legislation was not enacted.

On March 5, 1953, I had occasion to call to the attention of the House the new commission row in St. Louis, Mo., which was developed with private funds. Throughout the country, private and local funds are meeting this need. Now at long last Philadelphia, which provided the main argument advanced by those who wanted the Federal Government in the field, has met its civic duty. Mr. Speaker, I am convinced that unless we hold the line against the people who would have the Federal Government provide local community facilities for our local communities, instead of insisting that the local communities take care of them themselves, we are going to destroy private and local initiative and in effect destroy the very virtues that have made our country great.

The philosophy of the neo-federalists that we can lift ourselves by our bootstraps and that we can make no progress without Federal funds is as dangerous as it is fallacious. I am inserting some remarks I made on March 5, 1953, acclaiming the citizens of St. Louis for doing their civic duty in this area. The attempt to move the Federal Government into this field did not cease. The debate in 1956 will be found in the CONGRESSIONAL RECORD, volume 102, part 9, pages 12746–12750, on H.R. 4054, "Marketing Facilities for Perishable Agricultural Commodities." On July 24, 1958, the debate will be found in the CONGRESSIONAL RECORD, volume 104, part 11, pages 15003–15012, on H.R. 4504, "Wholesale Terminal Market Facilities." Fortunately, as I have said, the House voted down the proposals. Now, we have Philadelphia announcing with pride its success. I hope this will put an end to the efforts of those who tried to get the Federal Government into this area of endeavor and I also hope that it will serve as an object lesson to those who are

trying to get the Federal Government to move into other areas where private and local initiative can and should do the job.

[From the CONGRESSIONAL RECORD, Mar. 5, 1953]

Mr. CURTIS of Missouri. Mr. Speaker, I believe that all too often debates that have occurred in the past are buried and forgotten, particularly if the debate revolved around a bill which was defeated. Sometimes a review of the past is helpful in guiding our future course.

About a year and a half ago we had before the House H.R. 39, a bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities—see CONGRESSIONAL RECORD, volume 97, part 9, pages 12078–12092, 12172–12185. The proponents of the bill urged that it was necessary for the Federal Government to move into this field financially because the marketing facilities in many of our cities were unhealthy and inadequate and that private enterprise presumably could not do the job.

The bill was defeated by those who felt that though marketing facilities might be badly needed, this was not a field for the Federal Government to enter. It was suggested that here specifically was an example of creeping socialism.

I am placing in the RECORD the following statement appearing in the St. Louis Post-Dispatch, Sunday morning, February 22, 1953, hailing the opening of the new $3 million St. Louis produce market:

"PRODUCE MARKETING IN ST. LOUIS

"(By Virgil G. Baker)

"The saga of produce marketing in St. Louis is as colorful as Old Man River.

"The story begins with the pioneering days of the Great Gateway to the West, the rugged era of river shipping, the opening of vast frontiers of new land beyond the Mississippi.

"The frontiers of new land have long since disappeared. It seems at times there are no new frontiers to conquer and that the spirit of the pioneers lives only in history. But perhaps that spirit only sleeps, awaiting the proper hour of resurgence.

"For today, in St. Louis, the spirit of pioneering has arisen again, to write a new chapter in the saga of produce marketing in St. Louis.

"The building of the new commission row, now being formally opened after more than 4 years of struggle and strain, is an exemplification of pioneering in new fields for promotion of the general welfare.

"Here is a story of men—idealistic, courageous, doggedly determined, pioneering in the field of organization, in financial venturing, in construction planning and practices, in wholesale produce-marketing operations; most of all, in striking at basic determinants in the field of public health.

"Except for preliminary surveys of the needs of this area in produce marketing by the U.S. Department of Agriculture, the entire project of the new St. Louis market has been carried out by local men, without subsidy from the Federal Government or any other taxing body. It represents a spirit of cooperative effort probably unparalleled, bringing together many ruggedly individualistic interests for the common good.

"Produce marketing in St. Louis and, indeed, probably all over the Nation has been a lot like Topsy. It 'just growed.' Never before had there been much planning, certainly no concerted, scientific approach to the industry's many problems, no conception of the basic underlying role which the manner of operation so certainly plays in the health of the people of St. Louis and the surrounding trading area which the market serves.

"Where there are no great metropolitan concentrations of population, such terminal facilities as the new St. Louis market still are unnecessary. But in the bigger cities there are few instances in which anything approaching the action that has been taken here has been accomplished.

"St. Louis produce-marketing men have blazed and are following a new trail. It bids fair to lead to new ways of life for the men in the business and, it seems, must go far to make St. Louis and the area the market serves a better place in which to live and to do business."

Now, the point I want to emphasize is this: Suppose H.R. 39 had become law in 1951? How futile would have seemed the efforts of these new pioneers, with men in other areas holding back waiting for Federal funds, getting their lazy wish? How much additional burden would have been placed upon the backs of the Nation's taxpayers to fulfill these lazy men's dreams?

I hope the day of creeping socialism is over. I hope it has been successfully beaten. But let me warn my colleagues, as I did earlier in this session, of the danger of its successor—military socialism. In one sense, it is even more dangerous than its predecessor. It turns over, not to civilian government, vast fields of endeavor, but to military government—government outside the safeguards of the Bill of Rights. Here is real occasion for alarm.

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

Mr. CURTIS of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. I recall very well the excellent contribution made by the gentleman from Missouri to the defeat of the bill, H.R. 39, which provided $25 million to help build markets in various cities of the country, with the Government putting up, as I recall, 85 percent of the money. I again compliment the gentleman for his excellent assistance in joining with others of us to defeat this bill and I also want to congratulate the city of St. Louis for going ahead with the project on its own in the true spirit of initiative and free enterprise.

Mr. CURTIS of Missouri. I thank the gentleman from Iowa.

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

Mr. CURTIS of Missouri. I yield to the gentleman from Indiana.

Mr. BROWNSON. I think the gentleman from Missouri has done a very wise thing in bringing back to our attention some of these matters which seem dead and buried in the past. The city of St. Louis doing the job is certainly an example of free enterprise. I think the city of St. Louis is to be congratulated, and I think it is interesting to note that this vindicates the judgment of those who believe in free enterprise on the floor of the House and fight against unnecessary burdens on the taxpayers. I hope other cities will follow suit, because marketing facilities do need improving, but the means of improving them lies within the existing framework of our own local government and our own free society.

Mr. CURTIS of Missouri. I thank the gentleman from Indiana. So often we have the oratory down here in the well of the House pointing out the conditions that exist, and they are bad, frequently, like lack of marketing facilities, the fact that they are unhealthy, and so on, but all on the assumption that the only way you can solve the problem is through the Federal Government moving into the picture when, indeed, that is not the function of the Government. The real way to proceed in this country is to do it through private enterprise, and instead of Government competing with them, let Government encourage private enterprise. I think we have have a great future ahead of us following such a program.

The release follows:

[News release, National Association of Real Estate Boards, Washington, D.C., Mar. 5, 1960]

NORTHROP DESCRIBES PHILADELPHIA'S $100 MILLION FOOD DISTRIBUTION CENTER AT APPRAISAL CONFERENCE

PHILADELPHIA.—This city's dramatic, 308-acre, $100 million answer to the problem of deteriorating, outmoded, traffic-choked wholesale food marketing facilities was described here yesterday afternoon by Vernon D. Northrop, president of the Food Distribution Center.

Mr. Northrop addressed the Central Atlantic Regional Conference of the American Institute of Real Estate Appraisers. AIREA is affiliated with the National Association of Real Estate Boards.

The Food Distribution Center is being developed as part of Philadelphia's urban renewal program on land provided by the city's redevelopment authority. The center itself is a nonprofit, public corporation set up to provide modern, central marketing facilities for the food industry.

"Modernization of terminal food marketing facilities in American cities is a major challenge," Mr. Northrop declared. He said Philadelphia met the challenge by planning a food center which would incorporate all the latest developments in design, sanitation, layout, traffic access, and convenience to major forms of transportation.

The food center—which when completed will be valued at $100 million—"will make possible the centralization at a strategic location of much of the processing, storage, and wholesale activities which are basic to the distribution of food," Mr. Northrop explained.

"The concentration will produce a merchandise mart for the food industry. In this new mart companies can build the kind of plants and warehouses at a centralized location which can reduce the cost and improve the quality of foodstuffs," the Food Center president explained. He said the center is at the terminus of major rail, highway, air, and water transportation routes with a regional marketing area of more than 22 million people within a 90-mile radius.

Mr. Northrop said the Food Center tract "provides 308 acres for development purposes, exclusive of the acres devoted to city streets. At least 110 acres of this area will be covered by buildings, almost exclusively of the one-story type of construction. When fully developed, this acreage will provide approximately 6 million square feet of floor-space for food processing, storage, and wholesale operations."

The center's produce and seafood markets opened in June 1959. The markets contain nearly 100 wholesale stores and 30,000 square feet of modern, air-conditioned office space. The markets have been leased to private corporations composed of the merchants who occupy the individual stores. Permanent financing has been pledged by Philadelphia banks and insurance companies, according to Mr. Northrop.

He predicted that Philadelphia's "Food City of Tomorrow" will be fully developed by 1965. "Under this program, Philadelphia should have one of the finest terminal food marketing centers in the world to serve better its urban population with more and better food at more economical costs," Mr. Northrop said. He indicated the center will provide an example for many other cities faced with the problem of replacing inefficient wholesale food terminals.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF WILLIAM JENNINGS BRYAN

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. McGINLEY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. McGINLEY. Mr. Speaker, I am sure that each of the Members of the House of Representatives stops from time time to wonder if the spirits of our predecessors take leave from their celestial abodes and return on occasion to this hallowed Chamber.

And if they do, I am sure that today we have with us the spirit of William Jennings Bryan—the silver-tongued orator whose dynamic personality and magnificent voice held spellbound the Members of this body many times during his two terms of office as a Representative from Nebraska.

Why should the spirit of Bryan be with us at this time? Well, tomorrow—Saturday, March 19—marks the 100th anniversary of his birth.

On this observation of the birth of this man, we to whom he is a page in the history of the United States can only turn to others who have studied his unique career to learn what it was about him that held such sway upon the masses.

Few men in the history of this Nation, which has known many great men, had the unquestioned loyalty of so many people—and yet he failed three times in his candidacy for the Presidency. He was accused of base demagoguery by those who claim he pitted the poor against the rich for his own political gain. And yet no one successfully challenged the personal integrity of this deeply religious man.

He was a crusader. And Bryan, probably best described in his famous cross of gold speech the precept that sustained his honesty, militance, and firmness of purpose when he said:

> The humblest citizen in all the land, when clad in the armor of a righteous cause, is stronger than all the hosts of evil.

I have wondered if the speaking abilities of Bryan were as great as the years that have passed might make them seem to be. As I, a freshman Member of this great body, sit and listen to the eloquence of many of my colleagues today I wonder what manner of speaker it would be who could stand out alone above this oratory and could shine above the quality of other obviously great speakers of his day.

The answer came to me as I read the eulogy to Bryan by the Honorable Charles R. Crisp, of Georgia, following the death of Bryan in 1925. Mr. Crisp related an incident that happened when Mr. Crisp's father was Speaker of the House and he was a clerk at the Speaker's table. It was Mr. Bryan's first year as a Member and one day during consideration of a tariff bill Mr. Bryan stood and was recognized.

Mr. Crisp related the incident as follows:

> He [Mr. Bryan] started to address the House on the tariff. At first he was given very little attention, but after a few moments he had won the House and had its undivided attention. When he was called down at the expiration of his 1 hour, dozens of Members on both sides of the House rose and asked unanimous consent that he be given unlimited time, which was done. He continued to enthrall and enlighten the House for 2 hours and 45 minutes, and that was the speech that brought Mr. Bryan first into national prominence.

What greater testimony to a man's oratory could be paid than this?

As I dwelled upon the life of this man Bryan, I wondered just how deep was the devotion of his followers. And again the answer came to me from a eulogy to Bryan at the time of his death by the Honorable Edgar Howard. Mr. Howard was at this time a Member of the House of Representatives from Nebraska and was himself a colorful and independent-minded man of strong convictions.

Mr. Howard said:

> The civilized world was hushed to tears when the news came that the greatest earthly champion of human rights in any age had fallen asleep in Dayton, Tenn.
>
> I knew him as chum knows chum, as lover knows sweetheart, as soldier knows loved captain and commander. He was magnificently human. He was so clean and so pure that the very presence of him lifted men to better thoughts and higher aims. Myriads of men believed in Bryan unfalteringly, and perhaps he had a larger personal following than any other mortal. On many occasions this faithful army of believers witnessed the personal defeat of its loved leader, but as often later witnessed the triumph of his ideals.
>
> If it be true, Mr. Speaker, as the greatest among men are now proclaiming, that the crown of greatness rests upon the head of him who performs the largest service to his fellow men, then have we the sweet assurance that forever upon the brow of the memory statue of our Bryan will rest a tiara in which the most effulgent gem will be the Kohinoor of service.
>
> If it be true, as the priests of God are now proclaiming, that a pure personality, next to the precepts of the gospel of the Christ, is the most potent appeal for the uplift of the human family, then it must be that the example of the pure life of our Bryan will through all the years influence men to greater endeavor in that exalted service.
>
> Feeble and few must be my words of tribute here. So recently upon my cheeks were tears, and I must not invite new flowing of them in the garish light of this public occasion.

Bryan's life was not one of personal triumph. As is the case of many pathfinders, the victory is often realized in later years when the masses finally appreciate the purposes of these men of vision.

It is somewhat ironic that the greatest accomplishment of his life was not directly for a cause he espoused, nor personal achievement, but rather for the benefit of another man.

It was in the Democratic Convention of 1912 in which Woodrow Wilson, with the leadership of Bryan, obtained the nomination on the 46th ballot. In courage and honesty, in the wise mastery of a political convention, Bryan has not been surpassed in our political history.

Reports of that convention show that Bryan fought better when fighting for another than when fighting for himself. During the severest hours of the crisis his friends came to him to urge that he would allow them to put his own name into nomination. It was a time when many a man's judgment was distorted by excitement, but Bryan's judgment remained true, though in the realm of ideas it had so often gone astray. Had he yielded, the glory of his fight would have faded.

His devotion to peace was a personal thing, so much so that it precipitated his leaving the Cabinet of President Wilson where he had served as Secretary of State. His pacifist beliefs would not be heeded by the people excited by the approach of war. The attachment of the pro-Germans to Bryan's utterances only added to his unpopularity.

Bryan was again a loser in the famous Scopes "monkey trial" in which he lost to the brilliant Clarence Darrow. Bryan was equipped only with his traditional religious faith and was no match for the philosophies of biological science.

Five days after this trial he was found dead in his bed, having passed away quietly in his sleep.

Thus ended the career of the Great Commoner—a devoted champion of the oppressed in every land, a prophet of progressive government and an uncompromising humanitarian.

OFFICIALS WHO HAVE RENDERED GREAT SERVICE TO THE PANAMA CANAL

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, from time to time over the years, Congress, by suitable memorial in the CONGRESSIONAL RECORD, has recognized most of the officials and leaders who served on the Canal Zone during the construction of the Panama Canal.

During the past 13 years, I have given myself the pleasure of making numerous speeches and of placing documents of general interest in the RECORD.

Mr. W. R. McCann, a consulting engineer of international recognition and well known for his contributions to the Panama Canal, brought to my attention a Panama Canal engineer who passed away last year in my State of Texas at the age of 85. The name of this unique character was Tollef Bache Monniche. In four-score years, he lived two lives—one that of an outstanding engineer, and a second that of a horticulturist of merit—but in both these lives he was always a pioneer. Mr. McCann knew him intimately as an engineer, and was well acquainted with his Panama Canal accomplishments for which he had great admiration.

Mr. McCann prepared a most interesting and informative biography which

certainly has a place in the permanent CONGRESSIONAL RECORD and to which I now invite your attention:

TOLLEF BACHE MONNICHE, 1874–1958: A TALENTED ENGINEER AND A PIONEER IN TROPICAL HORTICULTURE

(By William R. McCann)

Within the year in Austin, Tex., and far from his birthplace in a foreign land, a talented engineer departed this life, a half-century of which was lived in Panama. Many persons have given loyal and devoted service to the Panama Canal. Tollef Bache Monniche, a fascinating and unique Norwegian, ranks high among them. None could have given more in one decade. In the traditions of his bold, hardy, and venturesome Norsemen ancestors, Monniche in his midtwenties regretfully forsook his native soil and emigrated to America, to live and to grow and develop in the machinery age of the present century. And a pioneer he was—a pioneer in the unknown of engineering structures and materials, and a pioneer in horticulture, converting a tropical jungle in the mountains of Panama into a renowned coffee plantation—Finca Lerida.

From letters and writings of those who knew him well for many years, the following abstracts will characterize and portray a beloved and accomplished man:

"Tollef Monniche, Norwegian, is a great inter-American. And that Virginia girl whom he married is the perfect chatelaine, as well as the best cook, best neighbor, and most gracious hostess in the entire Boquete Valley." (Gringa, Panama Star and Herald, 1947.)

"Monniche was in fact a great humanitarian, as well as a great engineer and a great horticulturist." (John A. Claybourne, Ann Arbor, Mich., Mar. 23, 1959.)

"I have never lost my admiration of T. B. Monniche's high character, fine talents, and unique personality." (Maj. Gen. Glen E. Edgerton, U.S. Army, retired, Washington, D.C., Apr. 16, 1959.)

"From a conversation at which I was present between General Goethals and General Hodges, both regarded Mr. Monniche as one of the ablest designing engineers with the canal." (Col. George R. Goethals, U.S. Army, retired, Las Cruces, N. Mex., Mar. 9 (1959).

"He was so loyal to his allegiance as an officer of the Norwegian Army that he failed to take timely advantage of his U.S. residency to qualify for American citizenship." (Frederick G. Swanson, Tyler, Tex., Mar. 15, 1959.)

"About 1912, on one of those crocodile hunts up the Bayano, Tollef brought down a snipe from speedy flight with a single shot from his high-powered rifle—truly a miracle. The bird fell more than 500 feet away on treacherous muddy flats; but Monniche, elated with the successful shot, risked his life to retrieve the bird." (Edward J. Vogel, Chicago, Ill., Apr. 13, 1959.)

"Tollef successfully designed the emergency dams, with no precedent to draw upon. During World War II, Mrs. Monniche served as mother to many of our lonesome soldier boys who were stationed near their home in Boquete, Republic of Panama." (Frank S. Wichman, Highland Park, Ill., Mar. 10, 1959.)

"Monniche had an inquiring mind and the broad interests of a scientist. He showed keen interest in our particular fields of meteorology, seismology, and hydrography." (Homer G. Cornthwaite, Terre Haute, Ind., Mar. 10, 1959.)

"When I was in Panama last fall, I was talking with Mosher, one of the big businessmen of Panama, and he told me that Monniche used great ingenuity in developing his coffee plantation in a way that put Panama in the world coffee market. Coffee from his estate could not be surpassed any place in the world. Also he said that Monniche deserved a lot of credit for helping others to help themselves." (Col. Daniel E. Wright, U.S. Army, retired, Winchester, Va., Mar. 10, 1959.)

"The Monniches were enthusiastic about horseback riding and being out in the jungle. When we opened the bridge across Culebra Cut at Empire, the Schildhauers and Monniche, on beautiful horses, led the procession." (Walter G. Ross, Washington, D.C., Mar. 16, 1959.)

"I have a vivid recollection of the handsome, distinguished-looking and graceful couple that the Monniches were at public and social gatherings. Also I remember how kind they were to us young sprats who were not yet dry behind the ears. Tollef's name as a designing engineer stood out like a bright star for the young engineers to emulate. He personified the best in our profession." (Maj. Gen. Thomas F. Farrell, U.S. Army, retired, Tullahoma, Tenn., Mar. 9, 1959.)

"I recall quite vividly how friendly Mr. Monniche was to us young fellows in minor positions—the finest thing that a man in high position could do." (James A. Sullivan, Seattle, Wash., Mar. 31, 1959.)

"Monniche was very sincere and hard-working, happy only when intensely concentrating on a difficult problem, and never satisfied until his solution was flawless." (Herbert D. Hinman, Hampton, Va., Apr. 2, 1959.)

"I first met Mr. and Mrs. Monniche in 1910 at Taboga Island, off Panama City, when I was recuperating after a bout with malaria fever. I was fascinated by this charming couple," (E. Sydney Randolph, Baton Rouge, La., March 1959.)

"If anyone whose life and activities have been identified with the isthmus deserves to have his achievements chronicled in a book, Monniche does; and in personal characteristics necessary to dress a story, he bristles with them. David Harum himself could not surpass T. B. Monniche in human interest, nor outdo him in emotional demonstration of the unusual in human makeup. And to think that this man, convivial to the last degree, a bundle of tingling nerves, bubbling with spontaneous humor and love of companionship, would select an inaccessible spot in the mountainous jungle to create the most hospitable home and one of the finest industries that I have ever seen. T. B. Monniche is a human dynamo, and Mrs. Monniche is the balance wheel and electric current which has kept that dynamo running so successfully all these years." (Nelson Rounsevell, Panama American, Jan. 30, 1934.)

"After all, engineering and pioneering have much in common. In both, one has first to plan and visualize, and to weigh difficulties with an open mind; and then, with interest in the work and with energy and courage, to tackle and remove all obstacles, to push back the frontiers into the unknown. Yes, engineering is a wonderful profession, and pioneering is a wonderful occupation." (Panama American, Jan. 27, 1941, quoting a speech by T. B. Monniche.)

Monniche was born August 27, 1874, in Surnadalen, Norway (parents Carl Alexander Michael Monniche m. Sophia Gudrun Bache); he died December 14, 1958, in Austin, Tex., and is interred in Oakwood Cemetery there. On August 3, 1909, in Roanoke, Va., he was married to Julia Trible Huger (parents Col. Frank Huger m. Julia Trible); there are no children. Adorable Julia Huger, a gracious daughter of the courtly South and a granddaughter of the esteemed Confederate Gen. Benjamin Huger, was marvelously devoted to her husband whose adventures in engineering and coffee production she shared through thick and thin for 50 years until a death did them part.

At Molde (town of roses) on Romsdalsfjord of Norway's rugged Atlantic coast, latitude 63° north and almost in sight of the Arctic Circle, Monniche spent his early life and attended Molde Latin Skole, 1883–88. When he was 14, the family moved to Christiana (now Oslo), and there he attended Otto Anderson's Real Skole, 1888–93. In 1894, he graduated from the Royal Norwegian School of War at Oslo; and at intervals thereafter he served as lieutenant in the Royal Norwegian Army while studying engineering in Germany, where in 1901 he graduated with honors as civil engineer at the University of Dresden.

Upon graduation, Monniche came to America, and for 7 years he trained and developed in broad phases of engineering and construction, and was first employed as "student on trial" at the Pencoyd Iron Works of the American Bridge Co. in Philadelphia—salary, $12.50 weekly. He progressed rapidly there, and within a year advanced from draftsman to squad boss in the bridge department. Among other assignments, he checked the drawings for the Manhattan Valley viaduct and the New York subway's crossing over Riverside Drive.

From May 1902 to May 1903, the year was a busy one for the young engineer. He was instrument man for the Pennsylvania Railroad at Pittsburgh, engaged in the construction of its stockyards there; and he supervised all fieldwork, which embraced excavation, trestles, fills, bridge foundations, and buildings and structures with their intricate sewerage, water, gas piping, and electrical conduit systems, in all representing an outlay of $3 million.

From May 1903 to September 1904 Monniche executed notable work in Philadelphia for the Rapid Transit Co. in its subway and elevated railway department, engaged in the principal designs of a three-track elevated railway system, and of plain and reinforced concrete for the subway. It was in 1904 that Albert Wells Buel, American, 1862–1959, published the first treatise in English on "Reinforced Concrete," but a year previous Monniche had been called upon by his chief engineer to design reinforced concrete retaining walls for the Philadelphia subway where it emerges from underground to meet the elevated structure. Monniche had told the chief engineer that, while studying at the University of Dresden (then considered a foremost civil engineering college) he had attended just one lecture of 4-hour duration on reinforced concrete. The professor closed the lecture expressing the thought that reinforced concrete construction might have a future. Ignorant of fundamental theory and lacking knowledge of any source of information, Monniche protested the assignment; nevertheless he was told to proceed with a drawing, which he did, and the design subsequently was accepted. Years later, in relating the episode, Monniche said, "Well, I knew that I had to use vertical reinforcing rods bent horizontally at the base to take the tension stress. What worried me was that the steel might cut into the concrete at the bends; therefore I fastened short pieces of pipe at the bends to prevent this. I used heavy reinforcing rods, but I would not like to have that drawing for those walls reviewed now."

From September 1904 to August 1905 Monniche was assistant engineer in the designing department of the American Bridge Co. at its head office in New York City. During this time he was squad boss for portions of the Pennsylvania Railroad's station in Washington and its then new bridge crossing the Susquehanna at Havre de Grace.

In August 1905 Monniche was appointed assistant bridge engineer of Virginian Railway Co., and was stationed at Norfolk, Va., where for 1 year he had immediate charge of the bridge department and produced drawings for 50,000 tons of steel bridges. Upon completion of designs, he was transferred to Glen Lyn in Giles County, Va., near the West Virginia boundary. As resident engineer, he had charge of construction of

the two largest bridges on the line—the New River Bridge, 2,200 feet long and 100 feet high, and the East River Bridge, 1,000 feet long and 140 feet high. The concrete piers, at that time, were the highest in the world.

The stirring days of the Panama revolution of 1903, the acquisition of the Canal Zone in 1904, the "Battle of the Levels" in 1905–06, and the starting of large-scale construction of a lock-type Panama Canal were all contemporaneous with Monniche's development period. He was approaching his prime when in October 1907 he hearkened to a call from Washington that connected him with a great undertaking for the ensuing 10 years. His first assignment was that of assistant engineer in the Division of Locks and Dams, Isthmian Canal Commission's Washington office, where he worked a year on the design of miter gates for lock chambers of 100-foot width. Upon abolishment in October 1908 of the Washington office of the Division of Locks and Dams, Monniche was transferred to the isthmus, stationed at Culebra Administration Headquarters, and was appointed designing engineer in charge of six emergency dams for the three twin-locks. He served in that capacity until 1914, his duties including the preparation of specifications, letting of contracts, inspection of materials in the States and of fabrication and erection on the isthmus, and supervision over final testing and acceptance of the structures and operating machinery. The emergency dams were a unique feature of the Panama Canal for which Monniche's unusual characteristics, his powers of concentration, and his broad engineering training were admirably suitable to solving the innumerable challenging problems that were to be encountered in the next 6 years of dedicated service.

Why were the emergency dams such an important feature of the Panama Canal? They never have been used for the intended purpose, and it is to be hoped that such occasion may never arise. The water supply for a navigable channel at the upper levels and for lockage operations of the canal is Gatun Lake, an artificial reservoir 175 square miles in area with its surface 85 feet above sea level, fed by the Chagres River which is a flooding torrent in the rainy season, but of inconsequential runoff during a 4-month dry season. Should an extensive break occur in the perimeter of Gatun Lake, which initially required 4 years to fill, there would develop a catastrophic loss of water for channel and lock operations. Most vulnerable to a breakthrough are the locks. Were the upper gates rammed by a ship in transit, either accidentally or maliciously by saboteurs. a Niagara-like torrent would roar unrestrained through a lock chamber.

In building the locks of the Panama Canal, extraordinary precautions were taken to minimize possible accidents while a ship was within lock limits. First, no ship is permitted to transit the locks under its own power; a canal pilot is in complete charge of the ship. Towing locomotives (electric "mules") fore and aft, hold the ship rigidly in position (or in motion), from berthing to departure. Second, the upper-level miter-gates are in duplicate; a ship, headed either downstream or upstream, could ram one of the gates without impairment of the water levels. Third, ahead of the duplicated gates, a strong guard chain, operated by retarding hydraulic cylinders in the lock walls, is hung across the lock entrance to bar every ship until it berths in the forebay and is in tow of the mules, whereupon the chain is lowered to pass the ship. With all these safeguards, plus many supplemental operating precautions, it is almost inconceivable that the levels of Gatun and Miraflores Lakes are ever endangered. Utmost laxity or deliberate sabotage perhaps could open a mill race through the locks. Then, and then only, would an emergency dam be called upon to function. Such a situation has never developed; it might in another war.

Briefly, the Monniche emergency dam was a huge structural-steel device to place and to support a barrier of wickets (steel gates) across the raging millrace which, upon destruction of the upper lock gate, would quickly be established in the chamber, 110 feet wide by 75 deep. Essentially the device is a 3,400-ton nonsymmetrical cantilever swing bridge, rotating through a guadrant from rest on the outside walls to operating position spanning the entrances to the lock chambers. In operation, power machinery housed on the bridge would lower into position six sets of near-vertical girders which were hinged to the bridge at the top; and at the bottom the girders would slip into slots in the lock floor. Then the wicket gates, which were about 9 feet by 18 feet in area, would be dropped one by one on the upstream side of the inclined girders, to harness in half an hour the torrent once the flow be established.

For no feature of the unique structure was there a precedent. At that time there were neither practice nor standard for such an intricate design. The heaviest drawbridges then weighed 1,100 tons for the center-pin type and 2,800 tons for the rim-bearing type, both symmetrical about the vertical axis. The estimated weight of the Monniche design was 3,400 tons; and other conditions made the center-pin type mandatory. "Fortunately for me," said Mr. Monniche in 1941, "Mr. C. C. Schneider published in the 1908 'Proceedings of the American Society of Civil Engineers,' a paper 'Movable Bridges,' for which he was later awarded the Norman Medal." Mr. Schneider subsequently was elected president of the ASCE in which Monniche was associate member in 1906, member in 1912, and life member in 1941.

With the emergency dams completed, tested, and in service in 1914, when the SS *Ancon* in September made the first ocean-to-ocean transit, Monniche continued to serve the Panama Canal until 1917 as engineer of docks in charge of the design and construction of the Panama Railroad's Atlantic Terminal Piers at Cristobal. He resigned from isthmian service, and, with his devoted wife, spent a year vacationing, and recuperating in mountainous Boquete land, near the Costa Rica boundary. Here they were destined to pioneer at Finca Lerida and to develop a wondrous plantation that sparked the growth of Panama as a producer and exporter of unexcelled coffee beans. As a horticulturist in this strange land, his accomplishments were many; they surpassed his achievements in engineering. We now turn to Mrs. Monniche who charmingly describes life at Finca Lerida:

"The word 'finca' means 'plantation.' A man who owned squatter's rights to a part of our land had given it this name, which we liked and retained. Lerida is a city and province founded by the Moors in easternmost Spain, 75 miles west of Barcelona.

"Seeking rest and climatic change in 1911, we had vacationed for 2 months in Boquete land whose mountainous terrain we happily, yet zealously, explored, and hunted. Tollef bought a parcel of land there, a mile above sea level, on the slope of El Volcan, Chiriqui's extinct, ancient volcano. Our idea then was to use the place for hunting on future vacations; and Tollef, with aid of a mandador (overseer) and a few mozos (laborers), built a hunting lodge there, and also planted some coffee because he wanted to drink his own brand. The trip then took 5 days by boat from Panama City to David, and 2 days more on horseback to Boquete from where a mere trail led to Lerida; and this trail through virgin forest was often blocked by fallen trees. Now one can leave the plantation after a leisurely breakfast, motor to David, 30 miles away, and then fly from there to Panama City in ample time for lunch at the Tivoli. In 1917 Tollef was so run down after 10 years of hard work on the canal that he resigned, and we went to Lerida for a year to get in good shape. At that time he built a house of lumber sawed on the place, and we began to consider starting a coffee plantation. In 1918 we went to the States; and as soon as it was possible to travel abroad after the war, he went in 1919 to Norway where he was called by the last illness of his mother, who had survived his father after giving birth to 12 children, 9 being daughters.

"After 3 years abroad we returned to Finca Lerida in 1922, and settled down to the business of raising high-quality coffee. We have lived there ever since (1956), nigh 40 years. When we first went to live on the finca we used kerosene lamps and toted our water from a spring; and I cooked on a small wood-burning stove. Now the lights of the house and plantation buildings are electric, and the utilities include a 12-cubic-foot General Electric refrigerator with freezer compartment, a 40-gallon hot-water heater, and a Norge electric range. How simple modern living can become, even in jungle land. In spite of the handicap of no roads and little water, Tollef has developed a flourishing and beautiful coffee plantation which has done much to put Boquete on the map. In 1929 he had a phenominal crop of 930 quintals (204,600 pounds) on 12,000 coffee trees. Most of this crop was exported to Germany where this first export of Panama coffee was well received, selling for 3 times the then-current price of Boquete coffee.

"Finca Lerida has grown to 365 hectares (about 912 acres) of which 40 hectares are planted with 40,000 coffee trees producing in a normal year a half a million pounds of coffee, the excellence of which is recognized in the States and Germany, as well as in Panama. Tollef never developed more coffee than he could handle efficiently with his available plant and equipment. In the Boquete mountains there is little surface water during the dry season, toward the end of which the coffee must be processed. On the rugged slope of El Volcan, a deep covering of humus overlays volcanic ash and pumice. Tollef has preserved 100 hectares of virgin forest as his primary reservoir. To obtain enough water for processing the coffee, he built a 40-foot-square concrete reservoir, 7 feet deep. He had to carry 2-inch pipes by horseback and man, over the mountain trail to Lerida and 2 miles further up the mountain and into virgin forest to tap the water supply. Tollef himself made a great portion of his coffee machinery. Several of his inventions are now in general use in Boquete.

"Trying out what fruits could best be grown here has been one of Tollef's hobbies. He has raised strawberries, boysenberries, peaches, pears, plums, grapes, Japanese persimmons, and tomatoes, thus showing what can be done in this country. From Guatemala he introduced several varieties of avocados which are now being grown throughout Boquete.

"Preserving the natural beauties of the land has been more than a hobby. A hundred hectares (250 acres) is still virgin forest, through which over 17 miles of trail wind around and up to an elevation of 9,000 feet. All this has made the place very interesting to scientists desirous of studying the flora and fauna of the region. Some naturalists have returned several times to pursue their studies. Tollef has always given them a camping site, horses, and mozos (laborers) to pack their gear and to help their explorations. Through contact with them he became interested in ornithology, and he shot and preserved a large collection of birds, whose habitat is above 5,000 feet. He sold the collection to the Chicago Museum of Natural History. It is reputed to be one of the finest collections of Chiriqui

birds in the world. A duplicate collection was presented to the Republic of Panama. From many lands numerous people, attracted by the finca's reputation, visited us and added to the enjoyment of plantation life."

In 1955, age and its infirmities were enfeebling Monniche, and Finca Lerida became a worrisome burden too great to overcome in failing health. The long-cherished plantation was sold, and the Monniches returned to the States. After a few months at Roanoke, Va., where they had married, they settled in Austin, Tex. He died in December 1958 in the 85th year of his life. May his memory be blessed and honored.

AMERICA'S RELIABLE FRIEND

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. ANDREWS] is recognized for 15 minutes.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein extraneous matter.

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

There was no objection.

Mr. ANDREWS. Mr. Speaker, because of the close ties of friendship and the many years of political and economic relationship that have linked us with the people of the Philippines, it is important that the Congress of the United States should be kept constantly informed of current developments in that island Republic. We do not always get the correct information and it is essential for the maintenance of the friendly relations between our two countries that we do.

The New York Times of yesterday, March 17, published an interview with President Carlos P. Garcia that deserves our careful attention. It gives us the views of the head of state of that nation in a manner that cannot but command our respect and admiration. It is a refutation of biased reports that we have read from time to time in a sector of the American press.

President Garcia is a steady and reliable friend of the United States. He has shown it during the Second World War when he refused to collaborate with the Japanese army of occupation and preferred to be with the guerrillas in the hills to continue fighting for the ideals of democracy and freedom. He showed it again in Geneva, Switzerland, when, as Vice President and Secretary of Foreign Affairs, he represented the Philippines in the conference on Indochina. His forthright reply to the Communist representatives in which he defended the United States against charges of imperialism was praised by Assistant Secretary of State Walter S. Robertson who heard him as "the best speech made during the entire conference."

We can still remember his speech here on this floor when he was the official guest of our Government and he spoke of his stand against neutralism and placed his country foursquare on the side of the United States. I do not recall a speech by a head of state who appeared before us, except Winston Churchill, applauded as many times as his was that day.

The New York Times interview I refer to underscores his friendship for the United States, and it also reveals him as a patriot and a nationalist. To be patriotic and to be nationalistic certainly does not mean that he is anti-American. In fact, as Gen. Carlos P. Romulo, Philippine Ambassador to the United States, very well said in two recent speeches delivered in Washington and New York, and which under unanimous consent I am also making as part of my remarks, we should not allow ourselves to be taken in by Communist propaganda which advisedly brands as anti-American anything that smacks of nationalism to distort America's image and present us as an imperialist nation.

The New York Times interview follows:

GARCIA ASSURES ALIEN INVESTORS—DENIES FILIPINO FIRST POLICY WILL RESULT IN SEIZURE OF FOREIGN PROPERTY

(By Jacques Nevard)

MANILA, March 16.—President Carlos P. Garcia of the Philippines gave assurances today that the controversial Filipino First policy of his administration would not lead to the expropriation of foreign investments.

The President denied that the policy was antialien and that it threatened foreigners' property rights.

In an interview at his residence in suburban Quezon City, President Garcia took issue with reports that United States-Philippines relations were deteriorating as a result of anti-Americanism inherent in the Filipino First policy.

He said he felt that relations were better now than they were a year ago during a dispute over U.S. bases.

CULTURAL TIES CITED

"Our close political ideologies and the affinity of our cultures," the President declared, "are quite big barriers to anti-Americanism in trade or in any other area."

President Garcia said that by Filipino First he meant "the effort of the Filipino people to acquire major participation in their own economy."

Explaining the origin of the policy, he said:

"We have a background of centuries of foreign domination, during which period all policies favored the interests of the rulers. Since 1946, when we became independent and started charting our own policies, we discovered that the major part of our economy belonged to aliens."

The Filipino First policy calls for citizens of the Philippines to control at least 60 percent of all new capital investments in the Philippines.

"I want to make it clear that Filipino First is not anti-American and could not be anti-American even if I, as President, so decided," he continued. "Under the so-called parity amendment of our Constitution, Americans have exactly the same rights as Filipinos in developing natural resources and establishing public utilities."

He said that he favored a relaxation of the Central Bank regulations that make it difficult for foreign investors to send profits abroad.

President Garcia also denied that his administration was harassing the Chinese minority here on national or racial grounds.

"The Chinese have been here since before Magellan discovered these islands," he said. Many Filipinos have Chinese blood and Chinese names, and it is no detriment politically, socially or in business.

He said, however, that the conflict between the 24 million Filipinos and the 300,000 Chinese who live in the Philippines stemmed from the refusal of many Chinese who arrived in the last 25 years to give up their ties with their homeland. Many have refused to become citizens, he said, and many who assumed citizenship "did not shift their loyalties."

Asked about the possibility that these Chinese, if pushed too hard, might turn to Communist China for succor, President Garcia said that while such a possibility could not be ignored, it was not likely. The Chinese aliens in the Philippines, he said, look to the Republic of China, on Taiwan, as their support.

The President spoke also of his campaign against the graft and corruption that has plagued his administration. He contended that it had been fairly successful thus far.

Since January 1, he said, "I have dismissed the collector of customs at Manila, which handles 80 percent of the nation's dutiable imports, the entire board of the Agricultural Credit Cooperative and Financing Administration and the whole board of the National Marketing Corporation."

President Garcia said he was not grooming any young member of his Nationalist Party to run as vice presidential candidate on the Garcia ticket in the November elections of 1961.

In the Philippines, the President and Vice President are voted upon separately. The present Vice President, Diosdado Macapagal, a member of the Liberal Party, defeated José Laurel, Jr., President Garcia's running mate, in 1957.

General Romulo delivered the following speech before the Military Order of the Carabao at a banquet at the Willard Hotel on February 6, 1960, at which among those present were Speaker RAYBURN, members of the Cabinet, and Members of Congress:

I have just returned from the Philippines and passed through some Asian countries. I would like to say that in that section of the world we are beginning to learn, as a result of recent events, that communism is not the wave of the future that it has been presented to be, that it is now well known there that communism has been stopped in Europe, that in Asia my fellow Asians are now seeing its naked face unmasked in Tibet and the borders of India. The neutral nations have remained neutral, they have not fallen for the wiles and blandishments of communism, and I wish to underscore that there was something more than mere Asian hospitality in the outburst of good will shown by the Asian masses when President Eisenhower was received by them not as a traveling salesman but a traveling symbol of family, friendship, freedom and the dignities inherent in the democratic way of life.

You created NATO and SEATO and thus checked communism's advance. You led the way to a steady improvement of standards of living within a context of economic and social stability. You maintained your freedoms and helped others maintain theirs, thus showing that democracy is the progressive way of life. As an American historian recently said, in all these things you led, inspired and assisted, and because other nations, Britain, France, West Germany, Japan, Italy, Greece, the Philippines learned these lessons well, you are now destined to be only a peer among peers.

This is important for the Ameriacns to remember because it is not anti-Americanism for your friends to insist that they be treated as your peers. You have helped to raise them to a new level, the level of free partners and sovereign equals. Do not fall into the trap being laid by communism everywhere to whisper and insinuate that it is anti-American whenever other nations friendly to you insist that they be treated as your peers. That is not anti-Americanism but, in fact, the essence of Americanism at its best.

You have created a great force for peace in helping build other nations to be your sovereign equals. You have assisted them to share responsibility with you and therefore you will no longer be alone, aloof, isolated, looked upon with envy, jealousy, and suspicion. I was in the Philippines only a week ago and I saw developing among my people a growing sense of national responsibility, a maturing consciousness of national sovereignty, a deepening realization of their role as your free and equal partner in a democratic world. Communism in its insidious and subtle way would want to present that as anti-Americanism and I warn you to beware that you do not unwarily fall into the Communist trap.

The following address was delivered in New York by General Romulo on February 27, 1960, when he received the annual brotherhood award of the Sutton Place Jewish Center, an award that was given to Ambassador Henry Cabot Lodge the year before:

The peace that we have, uncertain though it be, has made possible in the 20th century a political revolution of the greatest magnitude. The cold war has served to freeze colonial aspirations and has at the same time fostered nationalism. If America is to play its role at this juncture of world history, it must not only recognize the revolutionary forces in ferment in Asia and Africa but accept them as such, because only by their acceptance can they be directed and guided in the democratic pattern. America must not be an alien in a world of revolutionary change.

A few weeks ago I was in the Philippines. The fact that according to the provisions of the Philippine Trade Act full duties will be imposed on all Philippine products entering the United States in 1974 is accepted by my people as inevitable, and in preparation for such economic independence from the United States, our leaders are now formulating our economic program to cushion the effects of this impending new development in our national life. Some of these policies naturally depart from old accepted formulas and because they are designed to protect the Filipinos, some vested interests are sometimes adversely affected. Communist propoganda, always on the alert to undermine American prestige, brands these policies as anti-American, aimed only to hurt America. The idea, of course, is to present an image of America that is hated even by its best friends.

The American people should be aware of the changes that are taking place in newly emergent nations, changes that are part and parcel of the revolution that is influencing their policies. They are fundamentally nationalistic and it is the tactic of communism to make them appear as anti-American to plant the seed in the Asian mind that everything that fosters nationalism is opposed by the United States. This, as we know, is false but it serves the purpose of the Kremlin to distort it and the people of the United States should think twice before believing charges of anti-Americanism made every now and then in your papers against a people as is unfortunately made sometimes against the Philippines.

As I have said I have just visited the Philippines and I can assure my American friends that the harmony, the friendship, the blood brotherhood of Bataan between the Philippines and the United States continues to be the rock on which the relations between our two countries are founded. This friendship, and the common cause from which it stems, are more important than any difference of opinion which can ever arise between us: the differences are temporary because the friendship is lasting. But it is not enough to recognize that problems do arise between friends. We must go forward to a solution of the problems, precisely because that is what friendship means.

LIBERALS SUPPORT MODERN COMMUNITY DEVELOPERS, INC., WHICH SEEKS TO VIOLATE THE 5TH AND 14TH AMENDMENTS TO THE CONSTITUTION

The SPEAKER. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, on March 4, 1960, a Federal judge in Chicago wrote an opinion which should be of interest to the advocates of the present civil rights bill.

The court opinion dealt with the controversy recently engendered by Modern Community Developers, Inc., in Deerfield, Ill. It is rather significant that on the advisory committee are such well-known persons as Mrs. Eleanor Roosevelt, Jacob K. Javits, and Joseph S. Clark. The board of directors include W. William Wirtz, Adlai Stevenson's law partner, and Jackie Robinson.

The Federal district court charged that MCD had filed false and misleading information with the Securities and Exchange Commission.

It further found that MCD's "controlled occupancy" plan constituted racial discrimination and violates the 5th and 14th amendments to the Constitution.

The subsidiary of MCD in the Deerfield case is Progress Development Corp. MCD owns 100 percent of the stock of Progress. A vice president of Progress is John W. Hunt, member of Adlai Stevenson's law firm.

Apparently this law firm is more interested in agitation and forced mixing of the races than in law; otherwise, it would have known of the application of the rule of Shelley against Kraemer.

The court's opinion listed 48 conclusions of law in dismissing the complaint of plaintiffs Progress Development Corp. and Modern Community Developers, Inc.

I wish to emphasize five of these conclusions. They are:

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot find a cause of action upon any believed right to sell stock under an illegal prospectus.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforceable in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982, and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

Mr. Speaker, this case points up what those of us opposing civil rights legislation have said all along: "It is thought by many people that this legislation will affect only the South; but, if enacted, it will come back to haunt the other side, in other ways, in later days."

Mr. Speaker, the entire opinion in this case follows:

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION—PROGRESS DEVELOPMENT CORP., A CORPORATION, AND MODERN COMMUNITY DEVELOPERS, INC., A CORPORATION, PLAINTIFFS *v.* JAMES C. MITCHELL ET AL., DEFENDANTS—NO. 59 C 2050

MEMORANDUM

In this proceeding, plaintiffs complain that the defendant officials of the village of Deerfield and of the Deerfield Park District, acting under color of law and using their offices as a cloak, have conspired with the other named defendants and have violated the civil rights of the plaintiffs contrary to the provisions of the 14th amendment to the Constitution of the United States and contrary to the provisions of title 42, sections 1981, 1982, 1983, 1985, and 1988 of the United States Code. They bring their action pursuant to title 28, United State Code, section 1331.

The section of the 14th amendment relied upon provides as follows:

"Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The statutes relied upon provide as follows:

"§ 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.)

"§ 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.)

"§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.)

* * * * *

"§ 1985. Conspiracy to interfere with civil rights—Preventing officer from performing duties

* * * * *

"(3) 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).

* * * * *

"§ 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."

The verified complaint, as amended, is divided into three counts. Count I names as defendants the Deerfield Park District and the individuals constituting the board of the Deerfield Park District, namely, James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchli, Donald W. Keller, and Aksel Petersen, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 39 of summarization of allegations of complaint, post.)

Count II names as defendants the village of Deerfield and the individuals constituting the board of trustees of said village, namely, Joseph Koss, president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 40 of summarization of allegations of complaint, post.)

Count III, a conspiracy count, names all of the foregoing as defendants (except the Deerfield Park District and the village of Deerfield) and, in addition thereto, 10 other individual defendants, namely, Joseph G. Powell, Andrew G. Bradt, Harold C. Lewis, Herbert H. Garbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake. Plaintiffs seek damages in the sum of $750,000.

The plaintiffs having served notice upon counsel for the individual defendants named in counts I and II, moved the court for a restraining order against the defendants named in each of those counts and for a hearing date upon a motion for a preliminary injunction in each instance. Deerfield Park District and the village of Deerfield were not then parties defendant and so were not served. Counsel for the individual defendants appeared but no testimony was heard. The court heard oral argument, considered the verified complaint and thereupon denied the motion for a restraining order against the individual defendants, who are described as president and members of the Deerfield Park District, upon the allegations of count I.

The court, however, granted plaintiffs' motion for a restraining order against the president and members of the board of trustees of the village, in their individual capacities, upon the allegations of count II. The court fixed bond for $1,000 which the plaintiffs made and which was approved. Thereupon the court entered a restraining order upon the allegations of count II, enjoining said individual defendants from enforcing the building code of the village of Deerfield in any discriminatory, arbitrary, or capricious manner against plaintiffs until further order of court, specifically providing, however, that the defendants were in no way restrained from lawfully enforcing said building code, all of which is more fully set forth in the order of this court entered on December 22, 1959.

The court fixed December 29, 1959, as the date for hearings. They were not completed on that date and the restraining order was continued in force until January 6, 1960, on which date said order expired by its own limitation. The court was without jurisdiction to extend such order again. Without further order of court, the parties proceeded to present evidence until hearings were completed on January 28, 1960, although final arguments were not completed until February 4, 1960.

On January 28, 1960, the court orally announced that no motion for a preliminary injunction would be granted upon the allegations set forth in count II and the proof that had been adduced before the court at that time. The cause was taken and has been retained under advisement.

Immediately thereafter, the court began taking evidence upon the allegations of count I, and on January 28, 1960, concluded evidence thereon although final argument was not concluded until February 4, 1960, upon which date the court took its decision thereon under advisement and has so retained it until this time.

The defendants named in count II filed a motion to dissolve the restraining order originally entered. The court heard argument thereon and orally announced an intention to deny the motion but retained it under advisement. Since that time, the court, still retaining the matter under advisement, has heard evidence thereon which has caused it to reconsider its orally announced intention to deny the motion. Among other things, it was brought out that plaintiff was in volation of the Deerfield building code when this suit was filed and therefore did not come into court with clean hands.

The defendants named in count II also filed a motion for a summary judgment and that motion was taken with the case.

All defendants joined in various motions to dismiss the whole complaint, including count III. The motions were supported by affidavits under oath. Plaintiffs' counsel stated in open court that one of the motions and affidavits did not completely speak the truth. The court thereupon gave leave to plaintiffs to answer the motions and to file counteraffidavits but the plaintiffs failed to file any answer to said motions or any counteraffidavits or response thereto whatsoever.

At the conclusion of evidence upon counts I and II, the court heard testimony from plaintiffs and defendants upon the said motions to dismiss count III and the complaint as a whole. Those motions were taken under advisement.

It became apparent to the court at the outset of these proceedings that while the three counts of the complaint, in effect, set forth three suits, much time and effort would be saved if all the parties named in each of the counts were present at all hearings—with full right of cross-examination of all the parties—and if the evidence taken on the hearing of each motion was included in the consideration of every other motion.

It was so ordered and accordingly the hearings proceeded without objections from any of the parties at any time during or since the hearings were concluded.

For purposes of brevity, plaintiff Progress Development Corp. will hereinafter be referred to as "Progress"; plaintiff Modern Community Developers, Inc., as "Modern"; defendant Deerfield Park District as "Park District"; defendant Village of Deerfield as "Village"; Board of Deerfield Park District as "Park Board"; Board of Trustees of the Village of Deerfield as "Village Board."

Inasmuch as it was solely on the verified complaint herein, and without the taking of evidence, that the court granted plaintiffs' motion for a restraining order (on the allegations of count II) and denied plaintiffs' similar motion (on the allegations of count I), a summarization of the allegations of that complaint appears appropriate at this point:

1. Progress is an Illinois corporation duly organized to purchase and subdivide land, construct residences thereon and to sell the same in the ordinary course of business.

2. In April 1959, and at subsequent dates, Progress entered into purchase agreements for two tracts of vacant land, suitable for subdivision and located in Deerfield, Lake County, Ill.

3. Thereafter it surveyed, platted, and subdivided said vacant tracts of land into two subdivisions—one known as Floral Park subdivision (containing about 15 acres) and the other known as Weinrib's Pear Tree subdivision (containing about 7 acres).

4. On July 8, 1959, the plat of the Floral Park subdivision was approved by the village board, which is the governing authority of Deerfield, and on July 31, 1959, it was recorded with the recorder of deeds for Lake County, Ill. The plat provides for 39 lots for residences.

5. On September 16, 1959, the plat for Weinrib's Pear Tree subdivision was approved by the village board and on September 18, 1959, it was recorded with the recorder of deeds for Lake County, Ill. That plat provides for 12 lots for residences.

6. Progress, relying upon the village board's approval of the plat for the Floral Park subdivision, employed a licensed engineer to prepare plans and specifications for underground water and sewer improvements and street improvements in that subdivision. These plans having been presented to and approved by the village board, Progress spent $30,000 in making the improvements and further obligated itself on an $80,000 surety improvement bond, likewise approved by the village board.

7. Progress has likewise obligated itself upon a $26,000 surety improvement bond for improvements in Weinrib's Pear Tree subdivision, which bond was also approved by the village board.

8. On September 21 and 22, 1959, Progress presented to Deerfield's building commissioner plans and specifications for the construction of two model homes to be constructed and located at 911 and 921 Wilmot Road in Deerfield. Both sets of plans were approved by Deerfield officials, building permits were issued and Progress had the foundations laid, outside framework and roofs constructed, and other work in progress prior to November 11, 1959. The value of the two houses will be $30,000 for each one when completed.

9. Progress has contractually obligated itself for additional large sums of money for engineers, architects, contractors, material men, legal and other expenses.

10. The present fair market value of the Floral Park and Pear Tree land is in excess of $250,000.

11. Modern is a corporation organized and doing business in the State of New Jersey and its principal purpose is investments by purchase of shares of stock in such corporations as Progress which are engaged in the acquisition and development of residential subdivisions and in the construction and sale of residential housing therein. Modern owns shares in such corporations in the States of Connecticut, Delaware, Illinois, New Jersey, New York, and Pennsylvania.

12. Modern owns 100 percent of the stock of Progress.

13. Both Modern and Progress have adopted and are following a policy of building homes that are available for purchase by Negroes and members of other minority groups as well as by persons who are members of the Caucasian race. Until November 11, 1959, this policy was not known to anyone in Deerfield.

14. There are no Negroes residing in Deerfield.

15. At all times prior to November 11, 1959, Progress had conformed to all of Deerfield's building code requirements and had likewise conformed to all of such building code requirements to the date of the filing of this complaint. It has acted in good faith and was not then and has not since then been in violation of any of Deerfield's building code requirements.

16. Immediately after November 11, 1959, when it became known to the defendants that Progress had a policy of and planned to sell to Negroes some of the houses it proposed to build, the defendant village and the defendants described as the president and members of the village board began a course of harassment of Progress. Even though immediately prior to November 11, 1959, Deerfield officials had inspected and approved its construction work, those defendants caused their agents and employees to post "stop orders" upon both buildings under construction. It was impossible to comply with those "stop orders." The employees and agents of Progress were ordered off the job and all work was stopped, not only upon the buildings but also on the street and other improvements about which there had been no complaint. There were in fact no building code violations by the plaintiffs and they were given no opportunity to correct violations alleged to exist by the "stop orders." It was several days before the officers and agents of Progress could talk with any of the defendants about correcting the alleged violations.

17. All of the aforesaid conduct was but a part of a scheme between the above-named defendants and certain other defendants to impede, delay, harass, and stop plaintiffs from constructing and selling houses to Negroes.

18. All of the aforesaid defendants and all of the other defendants named in the complaint had numerous conferences between themselves and others and held numerous meetings at which they conspired to devise a plan to injure the plaintiffs and to deprive them of their rights.

19. During the period between November 11, 1959, and November 17, 1959, the above-named defendants and the members of the park board and certain other defendants conspired and confederated together for a plan to be presented to the park board on November 17, 1959, which plan had as its purpose injury to plaintiffs as set forth in the complaint. The park district covers an area approximately coterminous with that of the village.

20. There was in existence in Deerfield an organization known as the Deerfield citizens committee of which defendant Joseph G. Powell is president. A subcommittee of that committee is known as the village caucus advisory committee and its chairman is defendant Andrew G. Bradt.

21. Sometime during this period there was formed an organization known as the North Shore Residents' Association. The exact time of its organization is unknown but its officers became known on November 24, 1959, and the same individuals, together with many others whose names are unknown to the plaintiffs, were active in the unlawful conspiracy against the plaintiffs at all times after November 11, 1959. Defendant Harold C. Lewis is a member of and chairman of the North Shore Residents' Association; defendant Herbert H. Garbrecht is a member of and vice chairman of said group, and defendants Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake are members and directors of the residents' association. At a meeting held on November 18, 1959, and at all other public meetings thereafter, defendant Harold C. Lewis and various other persons announced that a plan would be devised to prevent Progress Development Corp. from completing its project of constructing and selling houses to Negroes.

22. At a meeting of the park board held on November 17, 1959, certain of these defendants requested the board to take steps to acquire, for park purposes, the two subdivisions owned by Progress. During the course of the meeting, defendant Joseph G. Powell announced that he would contact certain civic groups to make a study of the needs of the park district. Prior to this park board meeting, defendant Harold C. Lewis and others had already planned to conduct a poll in Deerfield to determine the public sentiment in Deerfield for or against plaintiffs' plan to build and sell houses without restricting sales to persons of the Caucasion race. All of the defendants were fully aware that the poll was to be taken on December 6, 1959. The defendants who are president and members of the park board then adjourned the meeting of November 17, 1959, to December 7, 1959, for the purported purpose of studying the reports that would then be made by civic groups upon park needs, but actually for the purpose of aiding the conspiracy by giving time for the defendants to take the aforesaid poll and to further arouse opposition to the plaintiffs in Deerfield.

23. Immediately thereafter the defendants who are the president and trustees of the village met, namely, on November 18, 1959, and again on November 23 and 24, 1959. The public was invited. The meetings were noisy and disorderly and the lawful plan of plaintiffs to sell some of its houses to Negroes was denounced as totalitarian, and a forcing of Negroes and other non-Caucasians upon the village. Many inflammatory statements were made at the meetings. Other public meetings were held at the American Legion hall at which the same speeches were made by defendant Harold C. Lewis and other defendants and by other persons whose names are unknown to plaintiffs.

24. Numerous secret meetings were held in private homes by the defendants and a purported report and recommendation of park needs was prepared which was solely for the purpose of giving an air of legitimacy and color of law to any action the park board might take to acquire the property of Progress by condemnation proceedings. The said purported report was a 6-page document labeled a "comprehensive study," and covered such broad subjects as "relationships between governmental bodies," "village objectives," "traffic and parking," "zoning," "water and sewers," "expansion of village boundaries," "school objectives," "school consolidation," "school facilities," "park objectives," "park-school site program," "major park sites," "park district boundaries," and "recommendations." There was in fact no such study made. The so-called report included other sites strategically situated throughout Deerfield and recommended the acquisition of these sites, as well as the property owned by Progress. A further purpose of said purported report and recommendation was for the purpose of influencing public support of any program that the park board might undertake.

25. At their meeting of November 17, 1959, the defendant members of the park board were informed that defendant Harold C. Lewis and others intended to conduct a poll of the village on or about December 6, 1959. The meeting was adjourned to December 7, 1959. The true purpose of that adjournment was to await the outcome of such poll. When the president and members of the park board met on December 7, 1959, they adopted resolutions designating Floral Park and Weinrib's Pear Tree subdivisions as park sites and ordered that those subdivisions be acquired by condemnation proceedings for park purposes. (An exhibit attached to the complaint mentions an offer made to the plaintiffs, on direction of the park board, of $166,199.91.) Resolutions adopted by the park board at that meeting also provided for a referendum to be held for the purpose of submitting to the voters a $550,000 bond issue, $175,000 of which the resolution earmarked for the purchase of the two subdivisions belonging to Progress. The referendum date was set for December 21, 1959, the earliest possible date that would be within the statutory requirement of the State of Illinois.

26. Offers to purchase, totaling $166,999.91, were contained in three letters dated December 7, 1959, signed by the secretary of the park board and addressed to Progress and to the Chicago National Bank, trustee under trust No. 16,093, legal title holder of certain of the property on which the purchase price had not been fully paid by Progress. These offers were delivered personally by certain of the defendants other than the members of the park board. These offers were not made in good faith but were made for the purpose of acquiring the subdivisions in order to prevent Progress from building residential housing thereon and to prevent sales of homes thereon to Negroes and other non-Caucasians.

27. In a letter dated December 10, 1959, Progress, through its attorney, rejected the $166,999.91 offer of defendant park district and its board members on the ground that the sum offered was so inadequate that Progress considered the offer not to have been made in good faith.

28. There is no bona fide public need or necessity for the acquisition of either of the two subdivisions for park purposes or for any other public use or purpose.

29. The acquisition of Floral Park and Pear Tree subdivisions was never considered by the park board until after the meeting of November 17, 1959.

30. The acts of the president and members of the park board in seeking to condemn the

two subdivisions belonging to Progress were abuses of its powers of eminent domain conferred upon it by the laws of the State of Illinois, to wit, Ill. Rev. Stats., c. 105, section 8-1, and Ill. Rev. Stats., c. 47, sections 1 to 17.

31. Plaintiffs allege that each and every defendant has considered together and that each is bound by the act of every other defendant. They charge that each and every defendant, because of the alleged conspiracy they have entered into, is guilty of each and every overt act alleged in the complaint. Plaintiffs charge that there have been innumerable other overt acts committed by the named defendants and other defendants and that each and every one of the defendants named in the complaint is guilty of said additional overt act as coconspirator.

32. Plaintiffs charge that defendants park board, its president, James C. Mitchell, and board members and their employees and agents, did not make available to them the books and records of the park board when demanded and that the delay in producing them was part of the conspiracy charged.

33. Plaintiffs charge that all of the acts of conspiracy alleged have required each of them to divert their officers from their duties, and to expend large sums of money in attempting to meet the demands of the various defendants with the result that they have incurred additional expenses, costs, and damages in and about their property and business.

34. Progress alleges it has been damaged by disparagement of its business reputation and has incurred additional construction costs as a result of the unlawful conspiracy and acts of the defendants.

35. Modern alleges it has been damaged in the conduct of its business in the State of Illinois and elsewhere in the United States by disparagement of its business reputation, by impairment of the value of its stock and sales thereof to the public, by delays and difficulties in the construction of residential developments and the sales of houses therein, all caused by the unlawful conspiracy alleged and the acts of the defendants in furtherance of such conspiracy.

36. Plaintiffs charge that they will be irreparably damaged if a preliminary and ultimately a permanent injunction is not granted against the village of Deerfield and its president, Joseph Koss, and the other members of the board of trustees enjoining them from enforcing the building code of the village against progress for alleged building code violations that do not exist and from enforcing said building code against plaintiffs in an arbitrary and capricious manner and in a different manner than which it is enforced against other builders.

37. Plaintiffs charge that defendants Deerfield Park District and its president, James C. Mitchell, and the other members of the park board have threatened to file a condemnation proceeding in the Lake County circuit court and that they are in the process of preparing such complaint. Unless restrained they will attempt to acquire plaintiffs' property in Deerfield by condemnation, and that plaintiffs will be irreparably damaged.

38. Plaintiffs charge that the sole and only reason for and the cause of the conspiracy and all of the overt acts and other acts in perpetrating the same is to discriminate against the plaintiffs and is founded upon bias and prejudice against the plaintiffs because of their willingness to sell houses to Negroes on an integrated basis.

39. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining the defendants James C. Mitchell, park board president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen, park board members, their agents, servants, employees, attorneys and each of them, and all persons in active concert and participation with them and each of them from:

A. Attempting to acquire by condemnation or otherwise all or any property now owned by plaintiffs in the village of Deerfield, Ill.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiff in the village of Deerfield, Ill.

40. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining defendants Joseph Koss, village board president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, village board members, their agents, servants, employees, attorneys, and each of them, and all persons in active concert and participation with them and each of them, from:

A. Discriminating against plaintiffs in the conduct of plaintiffs' lawful business in the village of Deerfield, Ill., by unreasonable, arbitrary, and capricious enforcement of the statutes, ordinances, regulations, usages, and customs of the State of Illinois and said village of Deerfield.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiffs in the village of Deerfield, Ill.

41. Count III charges all of the defendants with conspiring to discriminate against the plaintiffs and with violating the civil rights of plaintiffs by taking their property to keep them from selling some houses to Negroes. Plaintiffs allege damages in the sum of $750,000. It is a general allegation without specifying the nature and extent of the damages to Modern.

42. Progress alleges the present value of its property to be $250,000. No facts are alleged in support of such valuation, although there is an allegation that Progress has expended $30,000 for improvements. There is an averment that the value of the two houses now under construction will be $60,000 when completed, but no allegation as to how much has been expended in the construction thereof.

No damages are sought from either the village of Deerfield or the Deerfield Park District.

The complaint states a good cause of action. Certainly the plaintiff, Progress, had a right to sell to Negroes the houses that it proposed to build and had no obligation to shout from the housetops the fact that it planned to do so. Progress had an absolute right to keep that secret within its corporate breast. As a corporation, Progress had no more obligation to divulge its plans than an individual person would have had in a similar situation. Rights guaranteed to "persons" under the Constitution are guaranteed to corporations since the Supreme Court has repeatedly held that corporations come within that classification.

If, as alleged in the complaint, the activities of Progress are limited to unrestricted sales of homes to persons of all races, then Progress could in no wise be guilty of deceit or bad faith in its dealings with the village and its citizen when it failed to mention its plans to sell some of the houses to Negroes. As a matter of fact and law, Progress has the absolute right to select its own purchasers. It can select whites only, or Negroes only, or whites and Negroes in any ratio it chooses. It can limit its sales exclusively to Jews, Catholics, Protestants, orientals, Polynesians, Republicans, Democrats, Socialists, midgets, giants, brown-eyed or blue-eyed people, curlyheaded or baldheaded people. It could select only those who are members of the Mafia, K.K.K., N.A.A.C.P., those who are listed in Who's Who or those who are listed in the social register. In short, the law protects Progress in its right to sell to those persons it may choose—and without prior notice thereof to the village of Deerfield—but the law will not protect, by enforcement, any rights which Progress or anyone else may claim by virtue of recorded or unrecorded covenants which restrict the use or conveyance of real estate in any discriminatory manner whatsoever against any race, color, or creed.

It would be lawful for Progress, if it so desired, to require each purchaser of its homes to accept a deed containing a restrictive covenant running with the land and providing that the grantee would never convey the premises to any person not a member of the particular group or classification of persons to which the grantee belonged. Such a deed might also provide for a forfeiture in the event of a breach of the restrictive covenant, and might contain a further provision that any person affected might sue to restrain any conveyance contrary to such covenant and to obtain damages from the offending party. When it came to the acid test, however, such a restrictive covenant would be of no avail to Progress or to anyone else since no court in the United States would or could enforce it. (*Shelley* v. *Kraemer* (334 U.S. 1).)

Having first ascertained that it has jurisdiction of the subject matter and of the parties to this action brought under the civil rights statutes, and having in mind the limitations imposed upon it by 28 U.S.C. 2283 that—

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments,"

and further having considered the verified complaint herein and heard argument of counsel, this court determined that since a good cause of action for a claim for damages was stated under the civil rights statutes, it likewise had equitable jurisdiction for the purpose of protecting and enforcing its jurisdiction at law.

Concerning plaintiff's motion (based on count I) for a restraining order enjoining the park board officials, individually, from instituting condemnation proceedings to take plaintiff's property, the court determined that the allegations of count I did not state a cause that warranted the court's use of its injunctive power without first hearing evidence and argument of counsel on the matter. The court thereupon denied the motion for a restraining order and fixed a subsequent date for hearing evidence and argument upon the prayer for preliminary injunction contained in count I of the complaint.

The court then turned to a consideration of plaintiff's motion (based on count II) for a restraining order enjoining the officials of the village, individually, from enforcing the building code of Deerfield against plaintiffs in a discriminatory, arbitrary, and capricious manner. It appearing to the court that work on the two buildings under construction had been discontinued, that a great deal of emotion and ill feeling existed between the parties, and that a dispute existed between the parties as to whether the agents and employees of Progress had or had not been given the right to correct alleged building code violations, the court—without finding that the defendants had attempted to or had enforced the village building code in a discriminatory, arbitrary, or capricious manner—granted the

motion for a restraining order and fixed a date for a hearing on the prayer for preliminary injunction contained in count II of the complaint.

There can be no question but what great public concern and interest have been aroused by this litigation and the events leading up to it. Initially, the proceeding seemed to present some perplexing and complex problems but now that all of the evidence is in the matter has resolved itself into a comparatively simple matter both as to facts and as to law. It takes no Sherlock Holmes to unravel and determine the facts and it takes no Oliver Wendell Holmes to comprehend and apply the applicable law.

Plaintiff Progress is an Illinois corporation with its principal place of business in Chicago, Ill. It has as its principal purposes the acquisition and development of residential subdivisions and the construction and sale of residential housing therein.

Plaintiff Modern is a New Jersey corporation with its principal place of business in Princeton, N.J. Its alleged principal purposes are the investment, by purchases of shares of stock and otherwise, in Progress and in other similar corporations which are engaged in the development of residential subdivisions and construction of housing therein. Modern owns all of the issued and outstanding shares of Progress and the facade of local directors is nothing more than a transparent veil, worn solely for adornment. Modern completely dominates Progress.

Defendant village of Deerfield is a modern, residential, suburban municipality. Its governing body is the Village Board of Trustees, pursuant to the statutes of the State of Illinois. There is also a village manager, pursuant to ordinances adopted by said board. The village is a rapidly growing community. Its population has increased from 3,288 in 1950 to 4,188 in 1952, to 7,809 in 1957 and in December 1959, when this suit was instituted, its population was approximately 11,000. As a result, vacant land available for parks has rapidly disappeared. Roughly calculated, the village is a 2-mile-square area. According to accepted municipal planning, such a community should have at least 250 acres of park. At the present time Deerfield has only about 47 acres and it is obviously in need of a diversified park system with parks scattered throughout the community. There is practically no vacant land left which is available for parks except that which is owned by the plaintiffs and the other parcels which were included in the referendum held under the direction of the park board for the purpose of acquiring plaintiffs' land and the other parcels for the school-park program.

The need for more land for parks has been well known to the park board and on two separate occasions in 1959 referendums were held in an attempt to obtain additional land. On each occasion they were unsuccessful. Opposition came from a fear of increased taxes and because of a disagreement as to where the parks should be located. Some citizens wanted one large park at the southeast part of the village and others wanted smaller parks distributed throughout the community.

The defendant Joseph Koss is now and at all times mentioned in the complaint has been the acting president of the board of trustees of the said village, having been appointed to said office by the other members of the board of trustees to fill a temporary vacancy in said office. The defendants Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch and Arno Wehle are now and at all times mentioned in said complaint have been members of the board of trustees of said village.

Deerfield Park District of Lake County, Ill., is a body corporate and politic under the provisions of section 8-1 of chapter 105 of Illinois Revised Statutes, and is governed by a board of five elected commissioners—defendants James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Peterson, members, who serve without compensation. They constitute the corporate authority of such district as provided by section 4-1 of said chapter 105. Said commissioners act as legislators and are given legislative powers in said chapter 105 to enact all necessary rules, resolutions and ordinances and to exercise the power of eminent domain to acquire real estate for park purposes.

The Deerfield Park District covers an area approximately coterminous with that of said village, and the land owned by Progress, known as Floral Park and Pear Tree subdivisions, is situated within said village and within said park district.

The other defendants are divided into two groups: (1) Defendants Harold C. Lewis, Herbert H. Carbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell and Frank M. Blake are members of the North Shore Residents' Association; (2) Defendants Joseph G. Powell and Andrew G. Bradt are members of the Deerfield citizens committee.

The North Shore Residents' Association was organized shortly after November 23, 1959, and was opposed to the project being sponsored by Progress and to the actions of the representatives of that company. There is no evidence that the members of the residents' association did anything which was illegal. All actions taken by the residents' association were separate and distinct from the actions taken by the park commissioners. All evidence in the record shows that the park commissioners refused to become associated in any way with the residents' association and maintained the constant position—which they had adopted many months prior to any knowledge of the proposed activities of Progress—that they were not interested in single properties but only in an overall land acquisition program for all of the village.

The Deerfield Citizens Commission is a not-for-profit Illinois corporation which was organized in 1950 with the purpose of "Full cooperation with all village governing bodies for a better Deerfield," and it has been the main organization in Deerfield working on all civic problems. On many occasions in the past, this committee advised the park board and actively campaigned in park district, school district, and other civic elections in Deerfield. These activities have been continuous from 1950 to December 21, 1959. This committee is composed of civic-minded persons interested only in the welfare of the children and other residents and taxpayers of Deerfield.

There is no credible proof of any combination or conspiracy whatsoever between the defendants, members of the board of trustees and park commissioners during the period from November 11, 1959, to December 1, 1959. There was no concerted plan or conspiracy between any of the defendants, and in fact, except that certain defendants were acquainted as local citizens, there was no relation between the park commissioners and the other defendants during the period from November 11, 1959, to December 21, 1959. The evidence clearly revealed that several of the individual defendants had never personally met or seen a number of the other individual defendants and defendants who were village officials and the evidence also revealed that the village officials did not know all of the individual defendants until they appeared in court. As a matter of fact, several of the defendants were introduced to each other in court.

The record discloses that the park commissioners have served faithfully and industriously for the benefit of the taxpayers of Deerfield and have carried on a commendable park-school cooperation plan which has benefited the children and all residents and taxpayers of Deerfield. It is the duty of these park commissioners to acquire land suitably located for parks and to expand the usable acres of park land. Both Pear Tree and Floral Park are suitably located for proper park purposes. It is also the duty of the park board to acquire land before loss by subdividing or other use makes the land too expensive to acquire.

Deerfield Park district and school districts 109 and 110 have cooperated for a number of years in a program whereby the park district purchases land adjacent to the schools and the park land is used both as recreation areas for parks and as recreation and physical education areas for the schools with the result that there has been a saving of taxes and the school districts are able to use their limited funds for buildings. This program has permitted school district No. 110 to build schools which it could not otherwise have built.

Wilmot School of school district No. 110 is located on the southeast corner of Wilmot Road and Deerfield Road and has no vacant land adjacent thereto on the south or east sides. It has approximately 4½ acres of vacant land available for playground which is presently owned by the Deerfield Park district and will have an enrollment of over 1,000 students, many being junior high students. The only vacant land within the Deerfield Park district adjacent to this school is Floral Park, which is immediately to the north across Deerfield Road and comprises approximately 15 acres.

The history of the park commissioners' interest in acquiring Floral Park and Pear Tree is of long standing. A qualified park planner was hired by the park board in May 1959. He made a study and viewed the properties now known as Floral Park subdivision and Pear Tree subdivision. He prepared a map for the park board which shows Floral Park as a proposed park site. At the meeting of the park board on May 19, 1959, he recommended the acquisition of the property. He filed with the board a written report which recommended a swimming pool site be located "in the vicinity of or west of Wilmot Road. Any future pool would relieve the presently proposed pool and draw from the population west of the tracks." At that time the board determined not to include the Floral Park site in the August 1959 referendum and decided to hold it for a future referendum because the Floral Park site is in school district No. 110, with only about one-third of the park district voters, and there are fewer park sites in school district No. 109 which has about two-thirds of the voters in the park district.

In May or June of 1959, Defendant Mitchell of the park board appeared at the school board meeting of school district No. 110 and the president of the school board requested the park district to purchase Floral Park as an additional park site. Mitchell agreed that it should be included in a later park board referendum when it appeared that voter approval might be favorable thereto. The referendum of December 21, 1959, carried into effect the plan for park acquisition made in May 1959—6 months before Progress had disclosed its intended operation. The referendum of December 21, 1959, was a furtherance of the commendable park-school cooperation which had been carried on for years in an attempt to provide proper park and school ground facilities for Deerfield.

In December 1959 only two vacant pieces of property within the park district—that is, Floral Park and Pear Tree—met the recommendations of the park planner's May 1959 report that the western pool site be located "in the vicinity of Wilmot Road." The expert advised the park board against locating a swimming pool on a park being used in

conjunction with a school. Floral Park was, therefore, not suitable for a swimming pool site and Pear Tree was the only vacant property suitably located in the park district for a western swimming pool site.

At its adjourned meeting of December 7, 1959, the park board in open meeting duly passed a resolution calling an election on December 21, 1959, to submit to the voters the proposition to issue $550,000 of park bonds to secure funds to purchase and improve additional park sites. In addition, the board duly adopted plans and estimates whereby six sites, comprising approximately 80 acres would be purchased, including Floral Park and Pear Tree. The park board authorized the sending of offers to the title holders of Floral Park and Pear Tree and the institution of condemnation proceedings in the event the offers were refused. The cost of acquiring the land would increase by a continuance of the construction.

The park commissioners exercised proper judgment in carrying out their duties when they selected these six sites in connection *with the referendum* of December 21, 1959. The park district has no funds with which to purchase land except by issuing bonds pursuant to voter approval. The motive and the purpose of the park commissioners in passing the referendum resolution on December 7, 1959, was to carry into effect a long established plan of acquiring proper park lands for Deerfield and the six properties included in the December 21, 1959 election were all proper lands for park purposes. Three of the six sites had been included in elections held in April and August 1959.

In order to give Progress prompt notice of the offers, Defendant Mitchell arranged for personal delivery by certain defendants as well as by registered mail. The voters approved the bond issue on December 21, 1959, and on December 24, 1959, condemnation proceedings were instituted by the Deerfield Park District to secure Floral Park and Pear Tree as park sites, the offers of purchase having been rejected by Progress. The park commissioners acted in good faith in exercising their legislative discretion on December 7, 1959, by adopting the resolution calling the election of December 21, 1959.

There is little doubt that had it not been for aroused public opposition to plaintiffs' plan to initiate and maintain a controlled integration plan by selling to Negroes 20 to 22 percent of the houses it proposed to build, the outcome of the referendum of December 21, 1959, would have been much the same as that of previous referendums held by the park board in its attempts to acquire property for park sites. However, although opposition to Progress' plan undoubtedly furnished a major part of the basis for the action of the voters, it was not, as charged, the sole basis.

The undisputed evidence conclusively shows that there is a bona fide public need for the acquisition of both Floral Park and Pear Tree for park purposes. That was clearly brought out by the testimony of the park board officials, by plaintiffs' own witness Whitney, and by the park-planning expert, Witness Roy Layman.

The motives of the park commissioners in adopting the resolution on December 7, 1959, calling the election to secure funds to acquire six park sites, including Pear Tree and Floral Park, were solely and only to provide adequate and necessary parks for Deerfield and were not to interfere in any way with plans of Progress to build homes in Deerfield. There was no motive or purpose on the part of the defendant park commissioner-legislators to interfere with intended use by any owner of his property.

There is no evidence that defendants Joseph G. Powell and Andrew G. Bradt held meetings with other members of the Deerfield citizens committee from which there was evolved a plan to demand that the park district, or other local government agency with the power of eminent domain, acquire Floral Park and Pear Tree by condemnation for the purpose of preventing Progress from putting its sales intention into effect.

There is no evidence that defendant park board members combined and conspired with other defendants herein or with any other persons to prevent Progress from constructing and selling homes to Negroes.

There is no evidence that out of any meeting between November 13, 1959, and December 7, 1959, a plan was evolved to demand that the park district or other local governmental agency with the power of eminent domain under Illinois law, acquire Floral Park and Pear Tree by condemnation, for the sole purpose of preventing Progress from putting into effect its said sales intention or for the purpose of preventing Progress from exercising its lawful rights.

The park board and its representatives cooperated reasonably with the representatives of Progress in making available to the latter the minutes and records of the park district in conformity with the provisions of the laws of Illinois.

There is no evidence that the offer (described in par. 51 of the complaint) which the park board made to Progress was not made in good faith.

No member of the park board has shown or indicated any hostility or opposition to Negroes as a race or to Negroes owning property in or living in Deerfield.

Plaintiffs have the intention of developing Floral Park and Pear Tree subdivisions (the premises described in par. 11 of the complaint) by building approximately 51 houses thereon. It is their claimed intention to sell 10 or 12 of these houses to Negroes. They will not sell all or even 50 percent of them to Negroes or all or even 50 percent of them to Caucasians. This plan the plaintiffs call their "controlled occupancy pattern." On order of this court, plaintiffs produced two forms of restrictive sale agreement by means of which they plan to control future sales for more than 10 years, and to preserve the ratio of Negroes and Caucasians they establish. On the trial, plaintiffs were unconvincing in their attempts to avoid the stigma of forcing purchasers to execute such agreements by stating that execution of such agreements would be urged but would not be required. It is clear, and I find, from the admission of plaintiffs' officers and attorney, and from available literature, that plaintiffs intend to control the ratio of Negroes and Caucasians living on the premises in question for 10 years and plans to do it by reserving to Progress or its nominee the right to determine the purchaser of the property when an owner desires to resell.

The plaintiffs were given wide latitude in the production of all proofs possible. All sources of possible conspiracy were minutely examined into by plaintiff's counsel. No conspiracy, or any semblance of conspiracy by the park board commissioners was proved, and the court finds that no good purpose will be served by requiring defendants Mitchell, Dewey, Walchi, Keller, or Peterson to defend further herein and that the park board and the individual park commissioners, James C. Mitchell, Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen should be dismissed from this cause with their costs.

In April 1959 and at subsequent dates, Progress acquired the two separate tracts of real property (called Floral Park and Pear Tree), which it now owns in said village. Upon request of Progress, the board of trustees of the village approved plats of subdivision of said property—Floral Park on July 8, 1959, and Pear Tree on September 16, 1959. The plat for Floral Park provides for 39 homesites and the one for Pear Tree provides for 12 homesites.

Prior to the approval of said plats of subdivisions, the board of trustees imposed certain conditions upon the plaintiff, Progress, requiring it to reach satisfactory financial arrangements with school district No. 110 which enveloped or bordered upon said property, and the St. Gregory Church which was adjacent to said property. Questions also were raised by the village relative to the form of subdivision bond which the plaintiff Progress desired to use. The bond form first offered by the builder was not the standard bond form acceptable to the village and the bond as offered contained clauses and other provisions which did not meet with the approval of Building Commissioner Robert E. Bowen. Apparently these problems were resolved, and a subdivision bond was finally approved by the village authorities. Other than these conditions and other technical requirements relative to said plats, the said defendants raised no other objections and there was no mention that the said sites should be or might be set aside for park, school or other public purposes.

The plaintiff builder, having filed the requisite plans and specifications, secured building permits on September 21 and 22, 1959, from Building Commissioner Bowen for the construction of two model homes at the Floral Park subdivision. These homes are now partially completed and are located at 911 and 921 Wilmot Road, respectively. The foundation work on 911 Wilmot Road was completed toward the end of October and the framing or carpentry work was commenced at that site at or about said time. The framing or carpentry work was commenced at 921 Wilmot Road about a week subsequent thereto.

Progress represented to the court that there were in fact no building violations at the time of the filing of the complaint. The overwhelming evidence is to the contrary.

Building Inspector Richard Chilton spent approximately 10 full 8-hour days on the building site during the installation of underground improvements, starting approximately in August of 1959. Building Commissioner Bowen and Building Inspector Kilgore also visited the site during said period. When Building Commissioner Bowen inspected the underground improvements, he found certain violations from time to time but Max Weinrib, executive vice president of Progress, corrected them promptly upon receiving notice thereof. At one point during the installation of the underground improvements, Bowen considered the issuance of a stop order because the specifications called for 2 inches of sand in the sanitary sewer and plantiff builder was not complying with that requirement. Building Commissioner Bowen did not issue a stop order because he was able to make contact with the contractor and, in Mr. Bowen's words, "We got that straightened out real fast."

Two of the village inspectors, Mr. Kilgore and Mr. Chilton inspected the carpentry work at 911 Wilmot Road during the first week in November. They found that the bracing was improperly installed and was not in accordance with the requirements of the village building code. They called this to the attention of the carpentry foreman who was present on the job. It also appeared that the carpentry foreman did not have a set of approved plans on the job. They tried to explain to the foreman that he would have to correct the bracing and when it appeared that the foreman had difficulty in understanding the matter, they suggested to him that he obtain a copy of the Deerfield building code. The foreman said that he would get a copy and that if the bracing was incorrect, he would correct it.

The acting president of the village, Joseph Koss, first learned on November 10, 1959, of Progress' plans to establish a so-called integrated housing project in the Floral Park and Pear Tree subdivisions. On the following evening, November 11, 1959, at a regular board meeting of the village trustees, President Koss received further information relative to plaintiff Progress' plans. No discussion of those plans took place during the course of the meeting but after the meeting had adjourned the trustees met in a conference room at the village hall with their village manager and the village attorney, Thomas E. Matthews. The board asked the village attorney for advice and guidance and he advised the board to continue to act as they had in the past and no differently. Defendant Joseph Koss testified that prior to talking with the village attorney he really had not known what the board should or should not do in its official capacity but that on directing the question to Attorney Matthews the latter had replied, "You have taken an oath of office. Village Manager Stilphen heard a discussion of some building violation connected with the Floral Park subdivision, but recalled nothing specific. The board agreed that the village attorney should discuss the entire matter with Commissioner Bowen so that any directions as to the manner of enforcement of the building code against the builder would be clear.

Pursuant to the direction of the board of trustees of the village, through its Village Manager Stilphen, Bowen went to the office of the village attorney on November 12 at which time the village attorney informed Bowen that the plaintiffs had plans to establish an integrated housing project but that the board wanted Bowen to enforce the village ordinances as to plaintiff builder in the same manner as he would against anyone else in the village, regardless of plaintiff's plans. It does not appear that (other than these instructions from the village attorney) Bowen received any instructions from the villages officials relative to the manner of enforcing the village ordinances against the plaintiff builder.

On November 13, 1959, Bowen and Kilgore inspected the premises at 911 Wilmot Road and found that the diagonal cross-bracing was nailed over the exterior sheathing, that there was improper nailing and that some of the boards were split and were hanging loose. Bowen also found that the carpenters had completely cut through the header for the ceiling joists. All of these items were in violation of the requirements of the Deerfield building code. At that point, Bowen asked Kilgore if the latter permitted that type of construction and Kilgore informed Bowen that he had inspected the premises on a prior date and had told the foreman to correct the bracing. It also appeared at said time that the foreman was unable to produce an approved set of plans for the building. In view of these circumstances, Bowen instructed Kilgore to shut down the job at 911 Wilmot Road. A notice to that effect was posted on the premises by Kilgore and the carpentry foreman was requested to contact Weinrib, agent of Progress, and to have the latter get in touch with Building Commissioner Bowen relative to the situation.

Bowen and Kilgore then inspected the building at 921 Wilmot Road and they also observed violations of the Deerfield building code and found that there was no approved set of plans present at the site. Although Weinrib was present at the premises later in the day, he made no attempt to contact Bowen until the following Monday, November 16, 1959.

Plaintiffs complained that it was impossible to comply with the violation notice or stop order posted on the premises at 911 Wilmot Road because it required that the violation be corrected the very same day and at the same time the men were not permitted to work. Bowen and Kilgore explained in their testimony that this was their normal practice and that the effect of having the contractor lose a few days' work generally got effective results. This testimony was not contradicted or impeached in any manner. This practice was substantiated by evidence of other and similar actions taken by the village building department prior to and subsequent to November 13 with other builders.

Testimony shows that on the same date on which a stop order was posted at 911 Wilmot Road, to wit November 13, Bowen and Kilgore inspected other residential housing in the village. Upon finding a violation of the building code at 1111 Montgomery Street in the village, they posted a stop order at those premises and that notice also required the contractor to correct the violation the same day.

Testimony further shows that on said November 13 Bowen and Kilgore inspected a residential building in the Scatterwood subdivision in the village. There they found that a cross bracing was missing on one of the walls and that there was improper bearing under one of the steel columns in the garage area. Bowen at said time observed to Kilgore that this was similar to the violation they had found on plaintiffs' premises and he ordered Kilgore to post a violation notice on this job also.

When Bowen posted the stop order at 911 Wilmot Road on November 13, he was acting properly on the basis of the instructions and statement of policy as given to him by the village attorney on the previous day. The evidence shows that although the defect in the cross bracing at 911 Wilmot Road could have been corrected in 40 man-hours of work, it was not until several weeks subsequent to the date of the stop order that the corrections were actually made so that the work would be in accord with the requirements of the building code.

It further appears that from the time that Bowen was employed as building commissioner in the village of Deerfield, to wit, October 1958, and through the year 1959, he had issued approximately 14 stop orders on other buildings in the village for divers violations of the building and zoning ordinances of the village, and that his action in issuing the stop order at 911 Wilmot Road on November 13, was not in variance with his general practice or intended to be discriminatory as to the plaintiffs herein.

Bowen issued two other stop orders against the buildings of the plaintiffs herein: One for failure to furnish spot surveys after several requests had been made therefor, and one for a zoning violation which was discovered after said spot surveys were furnished and it appeared that the eaves on the front of the buildings extended over the front building line in violation of the zoning ordinance of Deerfield. It further appears that there were numerous other violations of the village building code at both of the buildings of plaintiffs, as more clearly appears from village exhibits 8 through 21, and that a number of violations still exist. No stop orders or violation notices were ever issued to the plaintiff builder for these additional violations. Bowen testified that because he had heard rumors that he was picking on the plaintiffs and also because of what the village attorney had told him on November 12, he was more lenient with the plaintiff builder than he would otherwise have been.

Progress was entitled to appeal from the orders of the building commissioner but never pursued that remedy.

The court finds that the actions of the building commissioner in issuing the stop orders against the plaintiff builder were authorized by law; that they were not arbitrary or discriminatory, and that said actions were in conformity with the custom and practice in Deerfield and with the Deerfield ordinances relative thereto.

The court further finds that beginning with the time that information came to the village officials relative to plaintiff's plans to establish an integrated housing project, said village officials went to a great deal of care to conduct themselves in a proper manner, and that despite a great deal of public clamor and excitement which existed in the village at an subsequent to said time, the village officials made it clear to the village residents on several occasions that as village officials they were obligated to observe not only the laws of the village but also the State and Federal laws as well. The action of the village officials in turning to the village attorney for advice and the course followed by said village officials was a sound and commendable approach to the problem and appears to have been carefully designed to be neither arbitrary nor discriminatory against the plaintiffs.

Building Inspector Kilgore testified that he was biased against Negroes and did not want any in Deerfield. He stated that he had moved to Deerfield to get away from Negroes who had moved into the community where he had previously resided. He was the inspector who posted the stop orders and had the conversation with the agents and employees of Progress. The court has no doubt that under the circumstances Building Inspector Kilgore displayed ill temper, was arbitrary in manner and exceeded his authority in his conversations with the agents and employees on the job locations when he posted the stop orders and at other times. In his dealings with building code violators, a building inspector, of course, is not likely at best to be ceremonious in his approach and his manners and speech are more apt to be blunt than Chesterfieldian. Where discourteous conduct, such as is attributed to Inspector Kilgore, is connected with the performance of official duties, it is no violation of civil rights. If the statements made and conduct are merely rude, they are not actionable in any manner. If the conduct amounts to assault, or the statements amount to slander, they are actionable in the State courts but not as a violation of civil rights. The proof in this case does not even suggest that Kilgore was guilty of any more than rude behavior. This one incident is the only evidence shown by plaintiffs to substantiate its general allegations against defendants in count II. All else is conjecture, suspicion and statements ascribed to other persons for which the defendants in count II are not in the slightest way shown to be responsible.

There was then and there is now available to Progress an administrative appeal provided by the ordinances of the village of Deerfield pursuant to the power vested in that village by the laws of the State of Illinois. Progress does not even allege in its complaint that it made any attempt to use such remedy at law. In fact, the complaint fails to even mention the existence of such relief and, by general context, implies that no such remedy existed at the time of the filing of the complaint and the amendment thereto. The existence of a remedy at law, coupled with the failure of the plaintiffs to use it, is sufficient for the court to deny the relief sought in count II.

The plaintiffs failed to introduce any evidence whatsoever of the nonexistence of violations of the Deerfield building code. All of the evidence presented by the parties established that there were violations for which no correction orders or stop orders had been issued. Plaintiffs offered no facts, law, or custom to show that forbearance relative to building code violations in one or

more instances deprives a municipality of a right thereafter to enforce its code, or makes it liable under the civil-rights statutes in the event it thereafter chooses to enforce its building code. The plaintiffs did not show any facts, law, or custom that enables a person to violate a civil or criminal statute or ordinance and then successfully plead that others are guilty of the same violation, or that the law is being enforced against him in a discriminatory manner. It is the equal protection of the laws that is guaranteed to each person and not equality of punishment or penalty for the violation. In addition, the defendants also established, by numerous photographs and other undisputed testimony, the existence of numerous glaring code violations at the time the stop orders were posted.

The evidence adduced at the hearing on count II of plaintiffs' complaint completely fails to support plaintiffs' charge that the individual defendants, Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, Arno Wehle, and Joseph Koss, and their agents, servants, employees, and attorneys, conspired either among themselves or with the park board or other defendants *herein or with* any other person to discriminate against plaintiffs or to cause discriminatory treatment against plaintiffs, or in any way to deprive plaintiffs of any rights guaranteed to plaintiffs under the Constitution and laws of the United States.

The court further finds from the evidence herein that the actions of the defendants and of the building commissioner of Deerfield in the manner of enforcing the building code and other ordinances against the plaintiff builder did not materially differ subsequent to the date upon which said defendants learned of plaintiffs' plans to establish integrated housing from the manner of such enforcement prior to the said date. The bulk of the violations appear to have occurred in November and subsequent thereto, but this is explained by the fact that these violations appeared in the framing or carpentry work on plaintiffs' buildings and that said framing and carpentry work was not commenced until the last week in October at the building at 911 Wilmot Road and until about a week subsequent thereto at the building at 921 Wilmot Road.

The court further finds that the plaintiff builder was dilatory in correcting violations which were brought to its attention, and that the carpentry foreman did not have with him or take the time to consult the building code of Deerfield. In fact, Max Weinrib, who was in charge of the entire building program for the plaintiff builder, did not obtain a copy of the Deerfield building code until November 16, 1959, which was several days later than the posting of the first stop order.

The only overt acts which are charged to the village defendants hereby by said complaint and which are well pleaded have to do with the manner of the enforcement of the building code and other ordinances of the village of Deerfield against the said plaintiffs. Other than sweeping and general conclusions of the pleaders, no other specific overt acts are charged against said defendants in said complaint.

A full and complete hearing was had herein on count II of the complaint, with ample opportunity to plaintiffs to examine and cross-examine the village officials and employees of the village, and the plaintiffs have completed failed to establish that any conspiracy existed on the part of said village officials, either among themselves or with others, to deprive the plaintiffs of rights guaranteed them under the Constitution of the United States.

Although the complaint contains general allegations that the village officials attended certain public meetings, there is no specific allegation that as a result thereof the said defendants committed any acts which had the effect of or were specifically designed to deprive the plaintiffs of their lawful rights.

The complaint contains no allegations that the village defendants have exercised any right of condemnation or that they were materially effective in persuading the Deerfield park district to exercise that right.

Upon the basis of the entire record herein, including the evidence taken under count I of the complaint, it does not appear that the said village officials engaged in a conspiracy with each other or with others to deprive plaintiffs of rights contrary to the provisions of the civil rights statutes or of rights guaranteed them under the Constitution of the United States.

After reviewing the entire record and the evidence taken herein on said counts I and II, there does not appear to remain any issues of fact which require determination by the court or a jury.

The further charge made in the complaint that the village defendants did not exert reasonable efforts to make clear to Deerfield residents their official obligation and responsibility to enforce local law equally and without fear or favor has been entirely rebutted by the evidence adduced herein. The charge is not supported by any evidence.

The evidence revealed that some 4 or 5 years ago a Negro family moved into Deerfield and lived there for 2 or 3 years without incident and that when the family moved from the village it was of its own volition and not because of hostility or discrimination shown it but because the head of the family was prosecuted and heavily fined as the owner of certain Chicago slum property and could no longer afford to live in Deerfield.

It appears from the evidence and the record herein that plaintiffs' plan to establish an integrated housing project in Deerfield, Ill., carries with it an element whereby plaintiffs seek to effect a system of controlled land tenure on racial and discriminatory bases.

The whole community was thrown into an uproar after November 11, 1959, when it became known to the officials and citizens of Deerfield that some of the houses that plaintiffs proposed to build would be sold to Negroes and other non-Caucasians. The court finds, however, that the ensuing turmoil was not caused solely by the fact that the public had been informed of the proposed sale of houses to Negroes. The court finds that immediately after the revelation of that news, the residents of Deerfield were bombarded with telephoned offers to purchase their homes at prices ranging from 50 to 75 percent of their actual cost or fair market value. There is no credible evidence of the identity of the persons responsible for those calls. The only finding the court can and does make relative thereto is that it was a quickly organized campaign carried on by persons, highly skilled in the procedure, who practice it in various areas in and around Chicago where white and colored communities adjoin each other. The suggestion that the plaintiffs were in some way connected with those calls is without any basis of fact so far as the evidence is concerned. Similarly, the suggestion that some of the defendants were responsible for the calls is not supported by the evidence. In fact, it seems that the charges made against both plaintiffs and defendants in that regard are founded entirely upon mutual suspicion of the parties.

The results of the telephoned offers, coupled with certain other facts, were disastrous. Rumors spread like a prairie fire and panic seized the village residents. Mass meetings were held, protests were lodged, and committees were formed to resist the sales program of Progress.

Viewed from any angle, the attitude of some of the village residents was deplorable—based as it was on animosity and resentment at the prospect of having Negro neighbors. It must be observed, however, that many of the villagers who were the most aroused and who raised the most commotion were animated by the telephoned offers to purchase their homes at reduced prices. Most of these people have all of their life savings invested in their homes and the prospect of losing that security was a greater factor than the thought of Negro neighbors. Fear gripped the community and fear is the very base and foundation of hate and intolerance.

Meanwhile, the true plan of the plaintiffs was revealed. They announced that they had made a social survey and that the normal population ratio for whites and non-Caucasians in the Chicago area was approximately 78 to 80 percent white and approximately 22 to 20 percent non-Caucasian; that since that was the Chicago-area norm, they proposed to sell to Negroes or other non-Caucasians from 10 to 12 of the houses they proposed to build and that the ratio between the races once being established would thereafter be controlled by the plaintiffs. They were not clear about the method of control but stated that such a plan was necessary in order to maintain a stable integrated community and to prevent the subdivision from becoming a ghetto, either all white or all Negro. Needless to say, the disclosure of the plan by Morris Milgram, president of Modern, added new fuel to the flames.

Plaintiffs stated in open court that they would not sell 100 percent or 50 percent of the proposed houses to Negroes, as that would be contrary to their plan. They insisted that they would sell only upon their formula of approximately 80-20. Plaintiffs claim, and their counsel argues, that the plan is voluntary, yet in the same breath they say that this plan must and will be controlled. The two terms are absolutely inconsistent. The fact appears to be that since this controversy has arisen, and plaintiffs see the horns of the dilemma with which they are faced, they have delayed the adoption of formal minutes in their corporate meetings to make the signing of such an agreement compulsory.

The court finds that Progress is under the domination of Modern, which, in turn, is dominated by Morris Milgram, and that under such domination Progress devised a plan of controlled integration for the village of Deerfield which required that each purchaser, as a condition precedent to his purchase, execute a separate resale agreement which is not to be recorded. This agreement with Progress gives the latter the exclusive right to select a purchaser for the property in the event of a resale of said premises. Progress would resell to another person of the same race as the original purchaser and the initial integration ratio would be continued.

Progress' plan is clearly a device to restrict the conveyance of real property to persons of a certain race. In an evident effort to circumvent the law as laid down in *Shelley* v. *Kraemer* (334 U.S. 1) and *Buchanan* v. *Warley* (245 U.S. 60), Progress attempts to accomplish its purpose by requiring the execution of separate, unrecorded resale agreement(s) incorporating appropriate restrictive language—all of which is fortified and implemented by certain minutes and corporate resolutions separately entered or adopted by Progress and Modern.

A controlled integration plan with discriminatory restrictions, albeit they are not recorded and are not in the form of covenants contained in a deed, cannot be enforced in

any court in the United States. It would amount to a quota system of housing and that is just as illegal as the quota system of employment that a group of Negroes sought to enforce on a department store in Los Angeles, Calif., in *Hughes* v. *Superior Court* (339 U.S. 460). In that case, the Supreme Court, in a unanimous decision, outlawed a compulsory employment system. Mr. Justice Frankfurter delivered the opinion of the Court and, quoting from the language of the Supreme Court of California (32 Cal. 2d 850, 856), said, at page 464:

"If petitioners were upheld in their demand then other races, white, yellow, brown, and red, would have equal rights to demand discriminatory hiring on a racial basis. Yet that is precisely the type of discrimination to which petitioners avowedly object."

If a population quota of 80 to 20, founded upon unrecorded restrictive agreements is constitutional, then a quota of 50 to 50 or 99 to 1 or even 100 to 0 would be constitutional and *Shelly* v. *Kraemer supra,* would be circumvented.

True, plaintiffs' plan may appear attractive to Negroes at the particular moment in a particular place, but it would constitute a straitjacket. It is but a mess of pottage offered in exchange for a birthright of equality.

At various public meetings defendant Harold C. Lewis and other village residents called upon some of the many lawyers who reside in Deerfield and asked that they advise whether a legal and constitutional way could be found out of the Deerfield dilemma as some of the residents called it. Numerous meetings were held, some boisterous and noisy. Many charges were made against the plaintiffs by defendant Harold C. Lewis and by unknown persons, and words such as "totalitarian" were used in describing plaintiffs' plans. On the other hand, some of plaintiffs' supporters referred to defendants and others as "bigots".

The officials of Deerfield called public meetings and heard both sides of the dispute. The president of the village, Joseph Koss, conducted those meetings in a manifestly fair and orderly manner. Deerfield can be proud of the sane and sober manner in which its village and park district officials have acted during this turbulent period.

While all of this was happening, defendant James C. Mitchell and other members of the Deerfield Park District board took stock and concluded that it was an ill wind which blew no one any good. In the words of defendant James C. Mitchell, they believed it was an opportune time to call another referendum in an attempt to get for the school-park program the land which the park board and defendant Mitchell and his wife (a member of one of the school boards) had long looked forward to obtaining. The park board struck while the iron was hot and called the referendum of December 21, 1959. The idea was that of the park board and was no part of any conspiracy involving the village officials or any other defendants or any other persons. In fact, defendant Harold C. Lewis and other persons were planning some action to seek an injunction halting plaintiffs' program.

The right of Modern to be a plaintiff in this cause can be disposed of with dispatch. Although Modern owns all of the outstanding and issued shares of stock in Progress, it nevertheless stands in the same position as would a holder of fewer shares. It must act through Progress for any injury it claims to have been done to Progress.

Modern's claim of indirect damage to its sale of stock and to its reputation outside Illinois, resulting from acts done in Illinois to a corporation in which it owns stock, and while Modern was not qualified to do business in Illinois, is too absurd to warrant serious discussion or notice by this court even though such claim of action is cloaked under the civil rights statutes.

Through prospectuses and registration statements filed with the Securities and Exchange Commission as of August 5, 1958, and October 9, 1959, and otherwise, Modern holds itself out as being engaged primarily, or proposing to engage primarily, in the business of investing and reinvesting in the securities of housing and real estate enterprises in various States. Since August 5, 1958, Modern has been endeavoring to sell to the public in numerous States $1,500,000 of its stock by direct offer without intervention of an underwriter. As of December 31, 1959, it had sold 5,876 shares for a total subscription price of $587,600 of which about $489,300 had actually been paid in.

Modern is engaged and proposes to engage in the business of investing, reinvesting, owning or holding securities. It presently owns investment securities having a value exceeding 40 percent of the value of its total assets exclusive of Government securities and cash items on an unconsolidated basis.

Modern has not registered as an investment company with the Securities and Exchange Commission pursuant to the Investment Company Act of 1940.

Without registering as an investment company, Modern has offered for sale, sold and delivered, and proposes to continue so to do, securities and interests in securities and otherwise to conduct interstate commerce.

Through prospectuses issued in connection with the sale of its shares pursuant to the Securities Act of 1933, Modern made statements and representations which do not disclose extensive contingent liabilities for the purchase of stock in companies organized by it or that it proposes to organize, that are speculative in nature. Such prospectuses failed to disclose material facts as follows:

(a) Modern has made commitments or pledges of $501,000 to certain subscribers for its shares which are not reflected in its latest prospectus. This is a large and material liability.

(b) Its prospectus entitled "Facts About Investing in Open Occupancy Housing" states that its purpose is to develop housing open to all persons regardless of color or race. (The admitted fact, on the other hand, is that the Deerfield subdivisions will not be open without regard to color or race to the first 51 purchasers who may appear and be able to buy. Modern's true purpose is to control occupancy in the subdivisions by means of a racial quota system. Thereafter Modern will seek to control, so far as it is able, the resale of the lots through so-called resale agreements in order to perpetuate and further control the quota. This quota system is a negation of open occupancy.) The prospectus fails to contain facts necessary not to make it misleading as to Modern's true purposes.

(c) In its prospectus, Modern represents that its president, Morris Milgram, was engaged in labor relations work for 10 years prior to 1947 when, in fact, he was not so engaged in any usual or ordinary use of the term "labor relations work," but was engaged with an organization known as the War Resistors' League during the years from 1941 through 1945 which could in no way be construed as labor relations work. Accurate and nonmisleading biographical material is of special importance to potential investors who must rely in substantial part upon the past history and performance of the principal officers of a new company in endeavoring to form an opinion as to the possibilities of the success of such a company.

(d) Modern fails to state in its latest prospectus that it has made special offers, inducements, and representations to prospective purchasers of its shares in the States of New Jersey, Iowa, and Connecticut that if they subscribe or assist in securing subscriptions for substantial amounts of its shares, Modern will make large investments in those States. The persons to whom such offers were made responded thereto by purchasing shares, and Modern considers itself obligated to them to make investments in said States which will total approximately $325,000.

(e) In Modern's current (1959) prospectus it is stated that one of its wholly owned subsidiaries had taken over the business and assumed the liabilities of a partnership. It omitted to state that the partnership was one in which several of Modern's officers bore partnership liability—including a two-fifteenths interest by Morris Milgram who at the same time was and is drawing a substantial salary from Modern. The prospectus fails to reveal the further material facts in this respect that this subsidiary is Concord Associates, Inc., a corporation created by Modern in January, 1959; that Concord was not expected by Modern to show a profit; and that to the knowledge of the directorate of Modern, it has, in fact, operated at a substantial loss ever since its creation.

Plaintiffs Modern and Progress have instituted a program of integration which they claim will be an immediate answer to the racial problem in this country. On November 16, 1959, at a meeting of 15 to 20 Deerfield residents at the Deerfield home of Adrien Ringnette, Morris Milgram, the guiding spirit of the enterprise, told those present that the integration plan was not voluntary. During the hearings in this matter, however, plaintiffs claimed that the plan was to be on a voluntary basis. When that plan is examined as it has been applied in other communities and is proposed to be applied in Deerfield, it becomes clear that its effect will be integration which is forced and controlled. Moreover, it will not be by proper authorities but by a private corporation.

If there is to be controlled or forced integration it is most certainly a matter for action by the people through their government and not by a private corporation which, when all is said, has as its object the motive of profit not only for its stockholders but also for its promoters.

It is significant that no Negro has purchased or offered to purchase any of plaintiffs' houses in Deerfield.

Had a plan, similar to the one sponsored by plaintiffs, been adopted in Chicago 20 years ago—when the Negro population was nearer to 10 than 20 percent of the whole—today's Negro population of that city would be hard put to find homes there.

Had Progress merely announced that it planned to sell houses to Negroes and to whites alike, and had it honestly sought to interest Negroes in purchasing its houses, it is entirely likely that some of those houses would have been sold to and occupied by Negroes who would have lived there in peace just as they have been doing in many other Chicago suburbs such as Evanston, Glen Ellyn, Wheaton, and Maywood, just to name a few. Apparently both races resented the strictures of the plan as well as the paternalistic attitude of plaintiffs that went with it.

Property owned by Progress in Deerfield is subject to the sovereign right of eminent domain, just as is the property of every other person in that village.

The court takes judicial notice and finds that Progress has an adequate remedy at law in the circuit court of Lake County, Ill., where it may by jury trial be justly compensated for the loss of its property and may also obtain any special damages which it may be able to prove. Furthermore, it may

again raise in that court and have heard on its merits its claim that the park district has no need for the premises belonging to Progress, and that the Park District is acting in an arbitrary, capricious, and discriminatory manner.

A mere claim of violation of constitutional rights is not sufficient to give this court jurisdiction in a condemnation proceeding. (*Combs* v. *Illinois State Toll Highway Commission* (128 F. Supp. 305, affirmed 349 U.S. 942).)

As hereinabove stated, under 28 U.S.C. 2283, this court has no authority to restrain judicial proceedings in State courts except where it is necessary in aid of or to protect its jurisdiction. No such showing has been made in this case. Moreover, this court has no jurisdiction in this cause for the reason that no civil right is involved.

Progress has made no allegation in its complaint that it has been denied the right to buy other property in Deerfield or to conduct and carry on its business otherwise in the village of Deerfield.

This is not a case of a municipality selecting property for park use where none is *needed, or* selecting property which is not suitable for park purposes, or taking only property that belongs to Negroes and leaving untouched that which belongs to Caucasians, or taking only property which is to be sold to Negroes while not taking that which is to be sold to Caucasians.

Plaintiffs allege they have been damaged in the sum of $750,000 but nowhere in their complaint praying injunctive relief do they allege or offer to prove that the defendants could not respond and meet the amount of damages claimed.

The court finds that the general allegations of damages set forth in the complaint are highly speculative and are not in any way supported by the proof. The proof shows that plaintiff Modern had received $489,300 from the sale of stock, and the balance sheet showed a net worth of $394,959.04 as of December 31, 1959. For the period January 1, 1959, to December 1, 1959, the balance sheet showed a net operating loss of $59,089.44.

Progress paid a total of $113,000 for the Floral Park and Pear Tree tracts and has expended $30,000 for improvements. The amount expended upon the two houses appears to be not in excess of $30,000, making a grand total of $173,000 that the property has cost Progress.

The obligations upon improvement bonds would be assumed by the park district if it takes the property for park purposes.

The value of $250,000 placed upon the property in the complaint is arrived at by allowing approximately $5,000 as the price for each building lot after houses have been constructed thereon, which is not the fair cash market value of such lots in their present state.

In arriving at its conclusions and decisions in this matter, the court has considered the affidavits filed in support of defendants' motions to dismiss count III and the whole complaint as well as the failure of the plaintiffs to respond or to file counter or replying affidavits thereto; all evidence adduced and all exhibits introduced, including resolutions adopted by Progress, tentative forms of agreements for submission to purchasers, forms which were actually used by Modern in controlling the racial proportions in another development; statements and argument of counsel; testimony of all witnesses, including that of Morris Milgram, president of Modern, and of Max Weinrib, executive vice president of Progress.

The court is of the opinion that both motions made by plaintiffs for preliminary injunction should be denied, not only upon the grounds set forth herein but also upon the merits.

Because the evidence introduced at the hearings was contrary to the allegations of the complaint which induced this court to issue its order restraining the defendant officials of Deerfield from enforcing the Deerfield building code in a discriminatory manner, it is the duty of this court to grant the motion of the defendants named in count II to disolve said restraining order which by its terms expired on January 6, 1960. Since by the terms of that restraining order the defendants were not enjoined from doing any specific act, and their lawful duties were specifically exempted from the provisions of the order, they were, in effect, enjoined only from doing any unlawful act. Therefore, no damages can be shown under the bond given at the time said order was made.

The court is of the opinion that motions made by defendants to dismiss counts I, II, and III should each be granted and that the complaint herein should be dismissed for the reason that the rights claimed to be violated are not rights which are protected by the 14th amendment to the Constitution of the United States nor are the acts complained of in violation of the civil rights statutes.

Based on the foregoing, the court states the following additional, specific conclusions of law:

1. This court has jurisdiction of the parties to this suit and of the subject matter thereof.

2. The Federal civil rights statutes created rights which may be protected by Federal courts in the exercise of their normal equity jurisdiction. These statutes, however, have not broadened the controlling equitable doctrine, and relief may be denied on well established principles. Existing standards are to be used to determine the propriety of equitable relief.

3. In a motion for a preliminary injunction, the burden of proof is upon the complaining party.

4. The burden is on the plaintiffs to prove that this court should issue a temporary injunction restraining the prosecution of the condemnation proceedings in the circuit court of Lake County, Ill.

5. The award of a preliminary injunction is a matter within the sound discretion of the court. It is not a matter of right, even where irreparable injury may result to the plaintiff. Injunctive relief is a drastic remedy and courts should proceed with caution in granting such relief.

6. In order to be entitled to a preliminary injunction, plaintiff must show that there is a likelihood that he will finally prevail on the merits.

7. Only a case of manifest oppression will justify entry of an injunction by a Federal court against a State official acting under the color of his office in his conscientious endeavor to discharge his official obligations and duties.

8. The proofs taken with all intendments in favor of the plaintiffs fail to show any grounds for a temporary injunction under count I of the complaint.

9. The burden is on the plaintiffs to prove that the commissioners of the Deerfield Park District conspired to deprive the plaintiffs of their rights under the Constitution of the United States and the Federal Civil Rights Acts.

10. The proofs taken with all intendments in favor of the plaintiffs fail to show any conspiracy on the part of the commissioners of the Deerfield Park District.

11. The plaintiffs have failed to establish by a preponderance of the evidence that they are entitled to the entry of a preliminary injunction herein as prayed against the defendants named in count II of the complaint and that plaintiff's request for such preliminary injunction should be denied.

12. In view of the evidence and extensive hearing had on count II there is no further reason for said count II to remain pending herein and that said count II should be dismissed.

13. The court concludes after hearing all the evidence that it was without jurisdiction to grant the temporary restraining order entered herein on December 22, 1959 and that the order should be dissolved.

14. The court further concludes that inasmuch as the defendants were not restrained from doing any specific act, were not restrained from performing their lawful duties, and were only restrained from doing illegal acts, that no damages could or have accrued under the bond herein.

15. The proofs taken with all intendments in favor of the plaintiffs show no illegal motive of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

16. The acts of the commissioners of the Deerfield Park District do not constitute an unlawful conspiracy.

17. The commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint were acting in their legislative capacity and are immune to the claim for damages alleged in count III.

18. This court cannot consider the motives of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

19. Motives cannot be inquired into when the sovereign speaks directly—that is, when the people vote as they did in this case; nor can motives be inquired into when the sovereign speaks indirectly—that is, through a legislative body, as it did through the members of the board of the Deerfield Park District in this case. The court specifically finds that the officials of the Deerfield Park District Board had no motive of bias or discrimination against the plaintiffs when those officials acted as they did.

20. The purest of motives and the best of purposes by the sovereign in State government, acting either directly or through its legislators, cannot save a statute, ordinance or resolution that is contrary to the Constitution of the United States. And, of course, the same holds true of administrative or executive acts that are done under color of law.

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot found a cause of action upon any believed right to sell stock under an illegal prospectus.

23. The power and authority of the State of New Jersey were used to create Modern Community Developers, Inc.

24. The power and authority of the State of Illinois and its subdivisions were used to charter Progress Development Corp. and to subdivide the tracts of land acquired by it for development.

25. The plaintiff, Modern Community Developers, Inc., is not a proper party plaintiff and should be dismissed.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforcible in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982 and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

29. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs cannot predicate the cause of action claimed in count III thereon and count III should be dismissed.

30. The controlled-occupancy pattern and resale quota system which Modern Community Developers, Inc., proposes to use in Deerfield through Progress Development Corp. is illegal both as to initial sales and resales. The power of a Federal court cannot be used consistently with the fifth amendment and the civil rights statutes to impose any percentage quota of Negro or Caucasians. Similarly, State power and authority cannot be constitutionally employed within the restrictions of the 14th amendment to control either the original or subsequent devolution of realty on a quota basis.

31. A party who plans to put into effect a system of land tenure whereby ownership or occupation of land will be controlled on racial or other disciminatory bases cannot seek damages in a Federal court for any interference which prevents such party from putting such plan into effect.

32. An action against public officials as individuals for damages arising from alleged tortious acts pursuant to a claimed conspiracy should not allegate mere conclusions of the pleader but must state facts from which the conclusion is inevitably drawn that the officials did in fact use their office for the sole object of depriving plaintiffs of their constitutional rights.

33. In an action for conspiracy under the Federal Civil Rights Acts, it must be alleged that the conspirators have committed an act or acts in furtherance of the conspiracy whereby the plaintiff is injured in his person or property, irrespective of whether the conspirators proceed under color of authority of State power or otherwise.

34. The mere attendance at meetings of public officials in their individual private capacity is not such an overt act as is required to satisfy the allegation of an actionable conspiracy under section 1985 of title 42 of the United States Code.

35. Where the court has conducted extensive hearings on motions for preliminary injunction, and where it appears that the plaintiffs have had ample opportunity to examine and cross-examine witnesses on all issues well pleaded, and it further appears that the issues are all in favor of the defendants and no further issues of fact remain to be determined, it is proper to entertain a motion for summary judgment in favor of the defendants.

36. None of the provisions of sections 1981, 1982, or 1983 of title 42 of the United States Code are violated by the actions of the park district or park commissioners herein. Progress Development Corp. is subject to the same exactions as are other citizens—the exaction of having its property taken by the eminent domain power granted to governmental, legislative bodies. No right is given to Progress superior to that granted all other citizens and they likewise hold their property subject to the superior right of eminent domain exercised by governmental agencies.

37. No civil rights of the plaintiffs have been impaired or jeopardized.

38. No right that is unenforceable in a court of law or equity, in any court in the United States, can be classified as a civil right.

39. The mere intention to take some action at some time in the future, which might or might not occur, and which if it does occur might present a situation coming under the Civil Rights Act, does not present any justiciable question under the Civil Rights Act at this time.

40. A party who has admittedly violated the law cannot complain that a penalty was invoked against him where it appears that the enforcement was in accordance with the statute and that it was properly exercised.

41. Although the court will protect a proper party insofar as equal protection of the laws may be involved, it cannot determine relative degrees of punishment where the punishment is within the law and the element of its degree is a matter of sound permissible discretion of the enforcing officer.

42. Because of the provisions of 28 U.S.C.A. 2283, this court has no jurisdiction to restrain the condemnation proceedings pending in the circuit court of Lake County, Ill., unless the plaintiffs prove that there is need for equitable jurisdiction in aid of the court's jurisdiction under the civil rights statutes and this the plaintiffs have failed to prove in this cause.

43. The plaintiff, Progress Development Corp., has an adequate remedy at law in the condemnation proceedings pending in the circuit court of Lake County, Ill.

44. Count I of the complaint should be dismissed because the relief claimed therein is barred by 28 U.S.C.A. 2283 unless the plaintiffs prove such is necessary in aid of the equitable jurisdiction of the court, and this they have failed to prove in the case at bar.

45. Count I should be dismissed because no conspiracy, or any semblance of a conspiracy, on the part of the park board commissioners was proved.

46. Count I of the complaint should be dismissed because the plaintiffs do not come into this court of equity with clean hands.

47. Count I of the complaint should be dismissed because the plaintiffs have an adequate remedy at law.

48. The complaint as explained by plaintiffs fails to state a claim upon which relief can be granted and should be dismissed with prejudice and at plaintiffs' costs.

The decision upon the facts in this case can be of no comfort to any group of individuals or to any community which might violate the civil rights of Negroes or other minority group members. This case is decided upon the facts as established by competent evidence in this particular case—facts that completely overcome the unsupported allegations of the complaint herein.

This memorandum opinion contains a full statement of the essential facts as well as of the conclusions of law applicable thereto in conformity with rule 52 of the Federal Rules of Civil Procedure.

Appropriate orders are being entered simultaneously herewith.

———,
Judge.

Dated Chicago, Ill., March 4, 1960.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOORE (at the request of Mr. HALLECK) on March 18, 1960, on account of official business in Wheeling, W. Va., attending an atomic waste conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. THOMPSON of Texas (at the request of Mr. MCCORMACK), for 30 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. ANDREWS (at the request of Mr. MCCORMACK), for 15 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. METCALF, for 60 minutes, on Thursday, March 24.

Mr. UDALL (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. MACHROWICZ (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. WILLIAMS, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. HOFFMAN of Michigan, for 30 minutes, on Tuesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE in two instances and to include extraneous matter.

Mr. STRATTON and to include extraneous matter.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BOW.

Mr. LINDSAY.

Mr. LAFORE.

ADJOURNMENT

Mr. DOWNING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1960. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Chiwapa Creek, and Mulberry Creek, Miss., Wilson Creek, Nebr., Conewango Creek,

N.Y., North Branch Forest River, N. Dak., Bear Creek, and Cypress Creek, Tenn., Porters Creek, Tenn., and Miss., and Buffalo Creek, Va., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1961. A letter from the Assistant Secretary of Defense, relative to a request by the Department of the Air Force for approval to proceed with projects for aircraft maintenance facilities at Grenier Air Force Base, Manchester, N.H., and Schenectady County Municipal Airport, Schenectady, N.Y., for the Air National Guard, pursuant to Public Law 86-149; to the Committee on Armed Services.

1962. A letter from the Assistant Secretary of Defense, transmitting a report relating to the expenditure of funds through grants for support of scientific research for the calendar year 1959, pursuant to Public Law 85-934; to the Committee on Science and Astronautics.

1963. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to include certain officers and employees of the Department of Health, Education, and Welfare within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides"; to the Committee on the Judiciary.

1964. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Terrapin Creek, Ala. and Ga., East Fork Point Remove Creek, and West Fork Point Remove Creek, Ark., Upper Verdigris, Kans., and Beaver Creek, Ky., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSEN of Minnesota:

H.R. 11247. A bill to bring employees of the agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. BECKWORTH:

H.R. 11248. A bill to amend section 610 of title 38, United States Code, to provide that certain veterans shall be furnished hospital care without regard to administrative limitations; to the Committee on Veterans' Affairs.

By Mr. BROCK:

H.R. 11249. A bill to amend the Internal Revenue Code of 1954 to repeal the tax presently imposed on the transportation of persons; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.R. 11250. A bill to authorize Federal loans to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11251. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. LATTA:

H.R. 11252. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by a teacher for his further education; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 11253. A bill to authorize and direct those principles under which the national forests shall be managed; and to provide sustained yield development for our timber and rangelands; and for other purposes; to the Committee on Agriculture.

By Mr. MORGAN:

H.R. 11254. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. MOULDER:

H.R. 11255. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. MULTER:

H.R. 11256. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 30 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 11257. A bill to amend the Bank Holding Company Act to prohibit the approval by the Federal Reserve Board of bank holding company operations unauthorized by State law or disapproved by State authorities; to the Committee on Banking and Currency.

By Mr. PILLION:

H.R. 11258. A bill to make permanent the temporary increases in rates of basic salary provided for employees in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H.R. 11259. A bill to provide for adjustments in the lands or interests therein acquired for the Kanopolis Dam and Reservoir, Kans., by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Public Works.

By Mr. UDALL:

H.R. 11260. A bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 11261. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11262. A bill to prevent the use of stopwatches or other measuring devices in the postal services; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (by request):

H.R. 11263. A bill to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. RIEHLMAN:

H.R. 11264. A bill to amend the Tariff Act of 1930 to impose a duty upon the importation of bread; to the Committee on Ways and Means.

By Mr. SHORT:

H.R. 11265. A bill to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to permit the prepaid dues income of certain membership organizations to be included in gross income for the taxable years to which the dues relate; to the Committee on Ways and Means.

By Mr. DURHAM:

H.R. 11267. A bill to amend the Longshoremen's and Harborworkers' Compensation Act to insure that employers will be immune from suit for injuries for which compensation has been paid; to the Committee on Education and Labor.

By Mr. INOUYE:

H.R. 11268. A bill to provide for promotion of economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

By Mr. WITHROW:

H.R. 11269. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRANAHAN:

H.J. Res. 653. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. WALTER:

H. Res. 480. Resolution providing for the printing of additional copies of House Report No. 1251, current session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOULDER:

H.R. 11270. A bill to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT:

H.R. 11271. A bill for the relief of Angelo and Gina Bonaguidi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

387. By Mr. WESTLAND: Petition of Bert H. Maffett and 51 other members of Barracks 142, Veterans of World War 1, Marysville, Wash., favoring the passage of H.R. 9948, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

388. Also, petition of H. A. Paulson and 29 other residents of the Second Congressional District, Washington, favoring the passage of H.R. 9336, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

New York State Assembly Shows the Way—Let's Put All Our Major National Nonreligious Holidays on Mondays

EXTENSION OF REMARKS

OF

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mr. STRATTON. Mr. Speaker, last year I introduced legislation, H.R. 8073, to fix four of our major, nonreligious national holidays—Washington's Birthday, Memorial Day, Independence Day, and Veterans Day—on Mondays rather than on fixed calendar dates. This, of course, is precisely what we now do in the case of another major, nonreligious national hoilday—Labor Day, established uniformly on the first Monday in September. My proposal has the support of both employee and management groups since it would provide not only that observance of these holidays would involve a long weekend suitable for family travel and recreation, but would also greatly reduce absenteeism which inevitably results when holidays fall within the middle of the week.

Mr. Speaker, I was greatly heartened last week to learn that on Monday, March 14, the assembly of the legislature of my great State of New York passed and sent to the State senate a bill designed to accomplish the purposes outlined in my bill with respect to Memorial Day, making it fall, in New York State, on the last Monday of May rather than on May 30.

I hope, Mr. Speaker, that the State senate and the Governor of New York will join with the assembly in supporting this sound and beneficial State legislation. If it does become law in New York then it will surely follow—if the observances of our great national holidays are to be in harmony throughout the several States, as, of course, they should be—that corresponding action, along the lines of the Stratton bill, H.R. 8073, must be taken by this Congress. For this reason the recent action at the State capitol at Albany, N.Y., represents the first major breakthrough for this legislation of mine and I am hopeful that Members of the House will now soon give their attention and support to this important matter.

Under leave to extend my remarks, I include the text of a news release on this subject which I have issued today:

Congressman SAMUEL S. STRATTON, Democrat, of New York, yesterday hailed the action of the New York State Assembly, which last Monday adopted a bill to establish Memorial Day as the last Monday in May rather than on May 30, as "the first major breakthrough for my bill, H.R. 8073, which would provide for the observance of all nonreligious national holidays on Mondays."

The New York State legislation passed the assembly by a vote of 114 and was sent to the Senate where it reportedly "has a good chance of passage." The legislation is sponsored jointly by Assemblyman Richard J. Bartlett, Republican, of Glens Falls, and Senator Gilbert T. Seelye, Republican, of Burnt Hills. Actually, May 30 falls on the last Monday in May this year.

Congressman STRATTON, in similar communications to Assemblyman Bartlett and Senator Seelye, praised them for their action and told them, "adoption of this provision by New York State will undoubtedly lead quickly to recognizing the wisdom of designating such other holidays as Washington's Birthday, Independence Day, and Veterans Day also on Mondays." The Congressman urged the State legislators to "persuade their colleagues to memorialize Congress to support H.R. 8073 and thus bring the rest of the country into line with New York State." He expressed agreement with the views attributed to Assemblyman Bartlett that the bill would not only provide a long weekend for travel and recreation, but would also reduce absenteeism in industries.

National Teacher of the Year

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, all West Virginians can be proud of the selection of the beautiful and talented Mrs. Hazel Davenport, of Beckly, as national teacher of the year.

It is particularly gratifying to me that this honor should be bestowed upon a West Virginia teacher at a time when our State has been the recipient of so much unfair publicity. The selection of Mrs. Davenport as the teacher of the year will serve to remind the rest of the Nation that West Virginia has many outstanding assets, one of the most important of which is our young people who are now being trained as future leaders.

I am delighted that the National Education Association is honoring a classroom teacher each year.

Mrs. Davenport, and the previous winners, are typical of the thousands of men and women throughout the Nation who have dedicated their lives to teaching.

The teacher is one of the most important persons in our democratic society. Unfortunately, all of us have a tendency to take them for granted. It usually takes a crisis of some sort to force the public to earnestly concern itself with public education and with the men and women who operate our schools and teach our children.

It takes a tremendous amount of money to operate our schools. Many local areas are making real financial sacrifices to provide their children with the best possible education. Other areas find they simply do not have sufficient financial resources to build and maintain the type of school system which they need.

Because education is so important to a democratic society, I have long supported efforts in Congress to make financial assistance available to local school systems. At the same time I have insisted that any Federal assistance leave the sole responsibility of operating schools to local communities.

Federal control of the educational system would be abhorrent to our concepts of government. I firmly believe that our system of government is flexible enough to permit the Federal Government to help the States and localities with their educational problems without assuming control of education.

One other thing appears clear to me. No amount of Federal funds can insure a good educational program in every community. The primary responsibility rests with the local people. They have to determine what the schools should teach and how it is taught. They have to attract and hold good teachers.

Added revenue in the form of Federal assistance will enable many school districts to improve their school facilities, but unless the local people demonstrate a deep and continuing interest in local school problems, they will never have the type of system to which the community is entitled.

In the final analysis, the Nation's school problems extend down to the local level where they must be solved.

Local people, working with dedicated teachers such as Mrs. Davenport, will, I am sure, provide the Nation with a school system that is capable of meeting any challenge.

April Is USO Month

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mr. LINDSAY. Mr. Speaker, next month has been designated as "USO Month." Most people have associated USO with parties and shows for our men in uniform. But to us who have had the privilege of serving in our Armed Forces it means more than that. It means a deep and abiding concern by our people on the homefront for those whom they have sent to the four corners of the world in our defense.

This organization, made up of voluntary groups, has immeasurably assisted in the religious, spiritual, social, recreational, and educational needs of our men and women in the Armed Forces. It has provided much needed services; community and travel information, counseling on personal and family problems,

housing bureaus, discussion groups, craft classes, games, snack bars—to mention only a few.

Truly, it has provided our men and women in uniform "a home away from home."

Its services have tremendously boosted the morale of our men and women in uniform which, in turn, has placed them in combat readiness which is essential in moments of tension.

USO activities are not confined alone to our Armed Forces personnel here at home; it extends to such places overseas as Anchorage, Fairbanks, Kodiak, Balboa, Cristobal, Nice, Paris, Casablanca, Athens, Salonika, Rhodes, Istanbul, Naples, Rome, Seoul, Guam, Manila, Tokyo, and Honolulu.

Needless to say, the USO has, since its inception in 1941, done and is continuing to do immeasurable service to the Nation, particularly to Armed Forces personnel.

It is fitting, therefore, that on this occasion of USO Month all Americans give their unstinting support to a worthy cause being performed by these unsung heroes.

I earnestly hope for the USO more power and continued success.

Billboard Control Helps Hawaiian Economy

EXTENSION OF REMARKS

OF

HON. OREN E. LONG

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Friday, March 18, 1960

Mr. LONG of Hawaii. Mr. President, my State of Hawaii has found that regulating billboards is good business.

Outside Honolulu, there are no roadside billboards in Hawaii. Tourists like the idea. Our scenic splendor is not marred by signs. The people of Hawaii are proud of their foresight in preventing the blighting of a lovely landscape by billboards. Businessmen find no reason to complain about the absence of such roadside advertising. Many believe highway posters would probably hurt more business than they would attract.

My departed friend, Senator Richard Neuberger, who championed the cause of billboard control, often noted that States where the tourist trade is important have a vital stake in regulation of signboards along their highways. In his own State of Oregon the tourist trade ranks third among all industries, bringing in an income of over $175 million each year. He would point to Department of Commerce figures showing that if a community can attract a couple of dozen tourists a day throughout the year, it would be economically comparable to acquiring a new manufacturing industry with an annual payroll of $100,000.

Recently, there appeared in the Memphis Press-Scimitar an article by Milton Britten headed "Hawaiians Have Enjoyed Billboard Ban 33 Years and Profited By It," and quoting the comments of my colleague [Mr. FONG] and myself on billboard control.

I ask unanimous consent that the article be printed in the RECORD.

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

HAWAIIANS HAVE ENJOYED BILLBOARD BAN 33 YEARS, AND PROFITED BY IT

(By Milton Britten)

WASHINGTON.—It has been nearly 2 years since the Federal billboard control law was passed.

Yet not a single State has come forward to accept the bonus offered for agreeing to abide by national standards for regulating signboards along the 41,000-mile interstate highway network.

This is a matter of bipartisan bafflement to Senators from our newest State, Hawaii, where strict controls have been on the books for 33 years and have proved both pleasant and profitable.

Says Democrat OREN LONG, former Governor of Hawaii: "If you drove from Honolulu all around the island of Oahu and back again, you wouldn't see a single billboard. This is widely discussed by tourists and a matter of pride among our people.

"Our territorial legislature back in 1927 passed a law restricting billboards to a closely defined area within the business district of Honolulu. Outside of this small area there just aren't any billboards to mar the beauties of our landscape.

"This not only pleases our own people, who enjoy their scenery, but is good for our tourist business. There have been a few feeble efforts to relax controls. But so far as I know our great business organization, the chamber of commerce, has never even slightly intimated they favored such efforts.

"The likelihood is that just as many products of any given make are sold in Hawaii as there would be if we had our roads cluttered with billboards."

GOOD BUSINESS

Republican HIRAM FONG, attorney and big businessman, agrees: "It's good business for Hawaii to control signboards. Their absence lends a lot of enchantment to our scenery, which tourists enjoy.

"Last year about a quarter million tourists came to Hawaii and spent $90 million. By 1965 it is estimated we'll attract a million tourists, and by 1975 2½ million. By 1970, we estimate that our income from tourism will exceed the aggregate of our income from our sugar and pineapple industries.

"It would be a very good thing if billboards could be eliminated from highways all over our Nation. They distract motorists. How much better off America would be if every billboard could be taken down and a tree planted in its stead."

Both described as jarring to Hawaiians the contrast between billboard-cluttered mainland highways and their own unmarred scenic roadways.

Senator LONG says he thinks "the time will come when more careful consideration will be given" to applying on a national scale the strict controls Hawaii has enjoyed. He says he doubts this should be tried, however, until the present law has had a trial.

Latest Bureau of Public Roads survey indicates only three States—Connecticut, Wisconsin, and North Dakota—have already passed laws that would enable them to participate in the Federal program. Adequacy of a recent Maryland law is in dispute.

DEADLINE JUNE 30, 1961

A number of other States have tried or are trying to write enabling legislation. Deadline for signing up for the Federal bonus offer is June 30, 1961.

One reason for delay thus far has been the activity of the billboard lobby, which pressured Congress into watering down the Federal law and has since been working against it within the State legislatures.

The law provides that the Federal Government will contribute one-half of 1 percent more than its 90 percent share of interstate highway costs to States that agree to abide by minimum national standards of billboard control.

Buy American Act

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mr. BOW. Mr. Speaker, the failure of the Buy American Act to assist American firms seeking to do business with our Government has given me great concern. Last week I referred to the award of a contract for the Panama Canal Bridge, using West German steel, because the contractor using German steel underbid an American contractor by $22,000. Yesterday I made reference to a new problem regarding locomotives for use in Panama Canal operations.

The locomotives required by the canal, and usually referred to as "mules," furnish the power to pull ships through the locks. They have a useful life of about 40 years.

At present the Secretary of the Army is considering a bid by a Japanese firm to supply new locomotives for a total of $3,800,000. The lowest American bidder is the Plymouth Co., of Plymouth, Ohio, at $4,700,000. To the Japanese bid, under various laws and regulations, may be added $115,000 for special inspections that would be required, $380,000 under the Buy American Act—10 percent instead of the 25 percent formerly allowed—$228,000 because the Plymouth Co. is a small business, and certain other percentages so that the actual difference between the two bids is less than $100,000.

However, as I pointed out with regard to the bridge contract, these figures tell only a part of the story. If Plymouth is awarded the bid, plate steel and stainless steel manufactured in my district will go into the machinery, and steelworkers in Canton and Massillon will realize direct benefits. Other subcontractors located in Chicago, Pittsburgh, Buffalo, and Detroit will receive orders, and some of these are areas of critical labor surplus. At least 1 million man-hours of employment for American labor will flow from the award of the contract to an American firm.

This does not take into account the transportation of the components and and of the machines itself, which means additional business for Americans; nor does it take into account the direct returns to Federal, State, and local government that will come from this contract if it is awarded to Plymouth.

Finally, let me say that the Plymouth Co. is a recognized producer for the Defense Department with an excellent reputation. It can be depended upon to produce a quality product that will do the job that needs to be done. We cannot place the same faith and confidence in the Japanese producer. Further, during the 40 years these engines will serve, the Plymouth Co. in peace or war will be readily available to supply renewal and repair parts, an assurance we cannot have from a producer in Japan.

Plymouth is the only remaining American company devoted to the design, engineering, and production of industrial locomotives of the size and type required in this procurement. If it is denied Government contracts, the Plymouth Co. may not be in production when some dire emergency befalls us.

For all of these reasons, it seems to me that award of the locomotive contract to Plymouth is clearly in the national interest and the Army should so decide.

Diplomatic Conferences

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, during the next 8 or 10 weeks several important diplomatic conferences will be held. The world is entering a fateful period, and what happens at these high-level talks between world leaders could well determine the course of history during our lifetime.

Recently Premier Khrushchev, of Russia, ended a visit to France. Prime Minister Macmillan, of England, made a hurried trip to Washington to confer with President Eisenhower. President De Gaulle, of France, is scheduled to visit the United States soon. And in May, the summit conference, bringing together the heads of state from the world's major powers, will be held.

There is a feeling of cautious optimism in Washington. Perhaps, after almost 15 years of intense cold war during which the world has lived on the brink of atomic war, a break is in sight and a tentative beginning can be made toward reaching a new understanding.

No one here expects all of the many serious world problems to be solved overnight. Nor can we look forward to the Russians discarding their expansionist policies for one of sweet reasonableness.

But at least there are indications that Russia wants to reach an accommodation and to ease some of the tension. They have made the overtures. The United States and its allies must explore the possibilities.

Certainly it does no harm to talk with the Russians provided we are not taken in by the Russians and allow our defensive strength to deteriorate. It is possible the Russians are aware of the fact that the hydrogen bomb and fantastic new delivery systems built around long-range missiles have made it entirely too dangerous to substitute bluster and bluff for serious diplomatic negotiations. The consequences of touching off a war through a miscalculation of American intentions are too horrible to contemplate.

At present, the United States and its allies are talking with the Russians about a suspension of nuclear weapons testing. Both sides have made concessions and according to the President there is a fair chance of reaching an agreement backed up by a sound, self-enforcing inspection system.

Such an agreement would be a long first step toward disarmament. Negotiations are also under way looking toward a disarmament agreement but the progress here has been slight to say the least.

I am sure everyone would like to see a workable plan agreed upon to enable the nations of the world to put an end to the arms race. The world is spending hundreds of billions each year on arms. As long as the Russians remain a serious threat to world peace, we have no other choice.

We would rather devote the money we are forced to spend on arms to more useful purposes. And I am sure the people would solidly support disarmament if we could be assured it would be accepted universally and that it would be enforced.

Until such a plan can be agreed upon and put into effect, we will have to continue our defense program, regardless of cost. We cannot let up. If we relax for 1 minute the Russians could well take advantage of the opportunity and launch a surprise attack.

We can remain strong and yet let Russia and the rest of the world know that we are ready at all times to reach an understanding through diplomatic channels.

That is why I am glad to see President Eisenhower agree to talk with Mr. Khrushchev at the summit and to visit Russia later on. We have to persist in our efforts to find a peaceful solution to the world's problems. We can talk with the Russians without appeasing them or permitting our strength to wither away.

Labor Reform Legislation of 1959 and Its Implications

EXTENSION OF REMARKS

OF

HON. JOHN A. LAFORE, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 18, 1960

Mr. LAFORE. Mr. Speaker, under leave to extend by remarks in the CONGRESSIONAL RECORD, I include a speech delivered by my distinguished colleague from Pennsylvania, the Honorable CARROLL D. KEARNS, before the Delaware Valley Industrial Editors Association, March 16, 1960, at which time Representative KEARNS received the Delaware Valley Industrial Editors annual communications award for distinguished service in establishing more effective communications in the areas of his public interest. The 1958 recipient of this award was Gen. Alfred Gruenther and the 1959 recipient—Mayor Richardson Dilworth.

The speech follows:

LABOR REFORM LEGISLATION OF 1959 AND ITS IMPLICATIONS

Last year I had the opportunity to address the national convention of the American Association of Industrial Editors in Syracuse, N.Y. Your invitation this evening prompted me to review the remarks prepared at that time. It does not seem possible that so much has happened in the labor-management field in the 11 months since your Syracuse meeting.

My trip to Syracuse was a hurried one because the House Committee on Education and Labor, of which I am ranking minority member, was holding hearings on labor reform legislation. Similar hearings had been completed in the Senate but that body had not yet acted on any bill. It was generally accepted that only the weakest kind of a labor reform bill would pass—something which was completely acceptable to the union leaders.

The principle of a bill of rights for union members had been included in several measures introduced in the Congress but the likelihood of its being enacted into law seemed remote. The curtain had barely risen on the drama of the battle for the bill of rights and the swell of public opinion which gave rise to House approval of the Landrum-Griffin bill. The conference between the House and the Senate, the climactic scene, where the compromise which is the Labor Reform Act was hammered out, seemed too far in the future to be of any interest.

When I look back on the Syracuse meeting and think of the questions which you raised, I must admit to some sense of gratification for the events during the following months. At Syracuse we talked about the necessity for better performance by unions, by mangement, and by the government in carrying out their duties and responsibilities in the labor-management area. We talked about the importance of protecting individual workmen in their fundamental rights and I suggested that the law must cover the following points if a definite goal was to be accomplished:

1. True democracy within unions must be assured.

2. Honesty in union affairs must be guaranteed.

3. "Sweetheart" arrangements between dishonest employees and union officials must be eliminated.

4. Criminal elements must be eradicated from the union movement.

5. Innocent workmen and small employers must be protected against coercive picketing and secondary boycotts.

I am proud to say that the new Labor Reform Act is a tremendous stride forward in accomplishing every one of these goals. Its bill of rights and election provisions go a long way toward assuring democracy within unions and returning control of labor organizations to their members. Its reporting, disclosure, bonding, and fiduciary relationship provisions, together with the restrictions on trusteeships, should be of substantial help in meeting the problem of dishonesty within unions. Sound provisions for the elimination of "sweetheart" contracts and for the ousting of criminal elements from the union movement are included. And finally, important limitations

on organizational and recognition picketing, on secondary boycotts, and on hot cargo contracts, provide immeasurable protection to employees, and small employers.

The Labor Reform Act is not perfect. It is impossible to write perfect legislation in a field as controversial as labor-management relations. Particularly when a legislative body is "loaded" in favor of unions, as is our present Congress, and a substantial part of its membership was doing its best to kill all needed reform legislation. But, regardless of its faults, we can be proud of the act which was finally passed and be grateful that the working men and women of our country will benefit from its added protection.

Because a major battle was won last fall, we cannot rest on our laurels. Already a serious attempt is being made to weaken these protections by authorizing secondary boycotts in the construction industry. I have said on many occasions that I believe the peculiar problems in that industry necessitate some special legislation. In fact, one such provision was included in the Labor Reform Act. But the bill which is presently before the committee, H.R. 9070, confuses rather than resolves the problem.

After listening to testimony on H.R. 9070, it is clear to me that there is sharp disagreement as to its meaning. The Labor Reform Act is a technical, complicated law.

Passage of another amendment at this time, before the NLRB and the courts have had a chance to interpret what has already been done, will accomplish nothing. Not even its strongest supporters are sure what it means, and Congress would be derelict in its duty if it should foist such an ambiguous statute on the public.

A more fundamental battle than any attempt to pass weakening amendments is shaping up outside the Halls of Congress, however. It presents, in my opinion, one of the most serious threats to our fundamental rights as free citizens that I have witnessed in many years. I refer to the brazen attempt of Jimmy Hoffa to dictate to the American people whom we are going to send to Congress.

Shortly after the labor reform law was enacted, Hoffa announced a list of 56 Members of Congress whom he has decreed must be purged. My name, with that of Congressman WILLIAM AYRES, of Ohio, was placed at the top of the list. Hoffa has said openly that the full weight of the Teamsters Union, with its millions of dollars in financial backing, will be used to make certain we do not return to Congress.

You may well ask, "Is not Jimmy Hoffa entitled to take sides in political contests and support the men of his choice?" If that were the issue, the answer must, of course, be "Yes." He, too, is an American with freedom of choice as to his elected officials and if the members of the Teamsters Union want him as their president that is their affair. Under the new law I firmly believe they can get rid of him if they want to.

But the issue is not Hoffa's freedom of choice. He has carefully picked 56 Congressmen who come from evenly divided districts where the voting is always close. His plan is to use the teamster organization to concentrate on defeating the incumbents, whether they are Republican or Democrats. A readymade organization with virtually unlimited funds is a tremendous factor in any political campaign.

Hoffa will take personal credit for defeating any of the 56 who fail to be reelected. Their opponents will obviously be handpicked by Hoffa but the key point if his plan is successful will be his claim to have the power to defeat any Congressman of whom he disapproves.

Think for a moment what this means. Because of Hoffa, the Teamsters Union has been expelled from the AFL-CIO. If anything, expulsion has strengthened rather than weakened the Teamsters. Hoffa is slowly making behind-the-scenes deals or working arrangements with other unions. The one thing which stands in the way of Hoffa's ambition to take over the labor movement in this country is the 1959 Labor Reform Act. If Hoffa can take personal credit for defeating any Congressmen who oppose him, this act will have a short and discouraging life.

I am positive the American people do not want any special interest group to take over their Congress, particularly if the group is controlled by a man like Hoffa. But we cannot afford to sit back and hope it will not happen. Hoffa has the organization and he has the funds to carry out his threats. Men and women like yourselves, regardless of whether you have been active in politics, must share the burden of defeating Hoffa. We cannot afford to sit back and hope someone else will do the job for us.

To offset the Teamsters organization, a Committee To Reelect Hoffa-Threatened Congressmen has been formed. I asked Mr. Kenneth C. McGuiness, the national chairman of the committee, to accompany me this evening and tell you something about its activities.

I cannot emphasize too strongly the threat with which we are faced. I implore you to give it your serious consideration and to do your best to see that the voters rather than any union official select our Representatives.

Intensive Study of Food Urged

EXTENSION OF REMARKS

OF

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, March 18, 1960

Mr. YOUNG of North Dakota. Mr. President, one of the very necessary factors in this country's production of both the quantity and quality of food is the growing importance of good, effective, and safe-to-use chemicals, pesticides, additives, and other productive mechanisms.

Senators will recall that last year at my suggestion the Senate included an item in the agriculture appropriations bill providing $500,000 for research into alternate methods of pesticide and disease control which would not retain in the finished product any harmful residue.

Unfortunately, this item was not retained in the conference and was not in the final agricultural appropriations bill.

In view of subsequent developments, I some time ago indicated my concern on this subject to both the Department of Agriculture and the leaders of the livestock industry, and I would, at this time, like to have printed in the CONGRESSIONAL RECORD a letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association.

I would also like to have printed in the CONGRESSIONAL RECORD a clipping from today's New York Times on this subject entitled "Intensive Study of Food Urged" and testimony offered yesterday before a committee of the other body by Aled P. Davies, vice president of the American Meat Institute, and J. C. Wetzler, a cattle feeder from Phoenix, Ariz., representing the American National Cattlemen's Association.

These documents clearly show that the responsibility which rests on the Federal Government to proceed to face up to this problem which is a problem of agriculture and consumers is of major national importance.

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

DECEMBER 9, 1959.

Mr. G. R. MILBURN,
President, American National Cattlemen's Association, Grass Range, Mont.

DEAR MR. MILBURN: Earlier this year when the Senate Appropriations Committee, of which I am a member, was considering various appropriations I had a visit with Dr. M. R. Clarkson, Deputy Administrator of the Agricultural Research Service in the Department of Agriculture, concerning certain problems involved in the use of pesticides and insecticides. As a result of our conversation Dr. Clarkson appeared before the Senate Appropriations Committee supporting proposals sponsored by me and others for greatly increased research funds to find substitutes for the present pesticides which would be completely free of any side effects as are now sometimes obtained with pesticides and the like which are not properly used. We were able to obtain $500,000 in additional research funds to further this program. Even this was lost, however, in conference with the House.

The cranberry situation, I think, has emphasized the need for far greater research to develop nonchemical methods such as biological control agents or other pesticides which would leave absolutely no residue whatever regardless of how they are used. It seems to me that we will need a crash research program involving from $5 to $7 million to accomplish the necessary research. This must be done before we who are interested in the meat business find ourselves in the same trouble that the cranberry people did just a short time ago.

Should the Secretary of the Department of Health, Education, and Welfare make similar charges against the contamination of meat as he did cranberries, as the result of certain pesticide uses, meat prices with the present heavy supplies would undoubtedly drop drastically. Such price declines could cost producers hundreds of millions of dollars. Whether or not the accusations were well-founded would make little difference. The slightest suspicion on the part of consumers would be enough to materially affect consumer purchases.

I know of no industry that has done more to make sure that they have a pure, wholesome product than the meat producers, particularly the cattle industry. Millions of pounds of meat are destroyed each year through our inspection service in order to meet the high standards that have been set. This has received little publicity. I am sure you will agree with me that it would be highly desirable to develop the kind of chemical or biological control agent the use of which could never be questioned.

Already proposals have been made to greatly increase funds for the Food and Drug Administration to carry on substantially this type of research work. My own feeling, and I am sure you will concur, is that this is work that should continue to be done by the Department of Agriculture. Our agriculture research people have done superb work with the very limited funds

they have had in the past. I would greatly appreciate having your views as to the plan of action set forth in this letter.

With warmest personal regards.

Sincerely yours,

MILTON R. YOUNG.

[From the New York Times, Mar. 18, 1960]

INTENSIVE STUDY OF FOOD IS URGED—PACKERS CALL FOR RISE IN FUND TO DEVELOP NEW MEANS TO PREVENT CONTAMINATION

WASHINGTON, March 27.—The American Meat Institute called on Congress today to create a program of intensive research to develop new chemicals and biological measures to eliminate the dangers of food contamination.

In a surprise action, the packers' group urged Congress to increase by 8 to 10 times the $1,500,000 requested by the administration in the new budget for such research.

The national trade organization of the meat packing industry laid its proposal before the House Subcommittee on Agricultural Appropriations in executive session.

The administration has been studying the problem. Its request for a $1,500,000 program in the budget for the fiscal year starting July 1 compares with $500,000 proposed last year. The $500,000 request was denied by the House subcommittee.

The meat industry's concern stems from the widespread use of chemicals and synthetic hormones in cattle production and meat processing.

Aled P. Davies, vice president of the meat institute, told the House subcommittee that one-third of whatever amount of Federal funds was appropriated for the chemical research program should be set aside in the first year for a modern laboratory and equipment.

In this laboratory, he said, teams of the best scientists can be brought to work on the problem of getting new tools to avoid the "hazards of residues."

"The problem calls for effort on the part of Government producers of agriculture products and processors of agricultural products, in the national welfare," he asserted.

The Department of Agriculture is "doing far too little on chemicals in agriculture because of lack of funds," he said. Its scientists, he went on, have "many leads for new developments, but they have not been able to follow through" on possibilities of combating pests and diseases without leaving harmful residues.

"This is not to say the chemical industry has not done a good job," he added. "However, in areas where residues in food and feed are critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture."

Mr. Davies presented the institute's proposal after testifying in support of a slight increase in funds for the Department's meat inspection service, which approves all meat and poultry in packing plants to assure its purity.

STATEMENT BY J. C. WETZLER BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE

My name is J. C. Wetzler, a cattle feeder from Phoenix, Ariz. I am speaking as a member of the legislative committee of the American National Cattlemen's Association. This association has a membership which includes 138 State, local, and regional cattlemen's and cattle feeder associations and thousands of individual cattlemen and cattle feeder members from throughout the United States.

We greatly appreciate the opportunity of appearing before this committee in overall support of the 1961 budget request for the Agricultural Research Service. Singling out two items from the overall request, it is our desire to emphasize the importance of the request as related to Federal meat inspection in the amount of $21,324,900 and the increase asked for to carry on intensive research to develop chemicals and biological measures for use in agriculture for the purpose of eliminating or avoiding pesticide residues amounting to $1,502,800.

The American National Cattlemen's Association has long stood for an adequate appropriation of funds in order to carry on the very efficient and effective function of Federal meat inspection. It is felt that the high degree of confidence on the part of the general public in their daily beef supply, largely can be attributed to the activities carried on over the years by the Meat Inspection Division. This, coupled with the desire on the part of cattle producers and feeders to make available to the public a wholesome beef product, has instilled a confidence that must be maintained.

The recent publicity on the subject of agricultural chemicals emphasizes the importance of the function and services provided by the Meat Inspection Division and the need for appropriating adequate funds for its continuance.

Mention of agricultural chemicals leads into the next portion of this statement. It has become quite evident that we probably will be confronted in the future with more problems from the standpoint of chemical residues in our food supply. This affects us as producers and feeders of the beef supply of the Nation, because it is the sincere desire of the beef industry to continue to produce the most wholesome beef supply for the consuming public. It is mandatory to develop through experimentation and research, chemicals and biological measures for use in agriculture which will eliminate any chance for harmful residues in the food products eaten by the consuming public. The research funds requested this year are, in our opinion, a bare requirement of those which will be needed in the future for this purpose.

Agricultural producers are reliant on certain chemicals to produce the food supply of the Nation. As more refined methods for detecting these chemical residues are developed, the problem becomes more acute, so it further necessitates new approaches for the control of certain diseases and pests as well as find new methods for the more economical production and feeding of beef cattle. As a consequence, private research money of those firms presently developing and manufacturing certain agricultural pesticides and feed additives may be withdrawn. This would put more pressure against the Government, in this case the Agricultural Research Service, to absorb this function previously carried by private money.

For these reasons, we urge this committee to approve the funds requested for 1961.

TESTIMONY BY ALED P. DAVIES BEFORE THE SUBCOMMITTEE ON AGRICULTURAL APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES

My name is Aled P. Davies. I am vice president of the American Meat Institute, national trade association of the meat packing industry. I greatly appreciate the opportunity of appearing before this committee in support of the 1961 budget request for Federal meat inspection. This request is in the amount of $21,562,700. While it represents a slight increase over the amount appropriated for the current fiscal year—$21,324,900—it is our understanding that because of in-grade promotions and Government health program expense the amount actually available for meat inspection will be less than during the current year. It has been estimated that even with the amount of the budget request the Meat Inspection Division will find it necessary to reduce its inspection force by 30.

The American Meat Institute believes that as a very minimum the amount of the budget request should be provided for Federal meat inspection. Actually it isn't quite enough, and while we feel that additional funds ought to be provided, we recognize the necessity for cutting the Federal budget in all departments of the Government to the absolute minimum.

Witnesses from the Department of Agriculture already have given you figures to show the way in which Federal meat inspection is growing. Its increasing significance is not only an outgrowth of population increase and changing patterns of meat distribution, but it is also a tribute to the Government agency—the Meat Inspection Division—which is responsible for the administration of this program. Over the period of 53 years during which compulsory Federal meat inspection has been in effect, the MID, as it is popularly known, has developed and maintained a reputation for absolute integrity, a reputation which is equaled by few other Government agencies and surpassed by none. There have been times when the meat packing industry and individual companies in it have not agreed with the MID, but no one questions its integrity and its dedication to the public interest.

There is no other food which gets the kind of scrutiny which is routine for meat and meat food products under Federal meat inspection. For many years, it was the only continuous food inspection conducted by the Federal Government. Now poultry is under the same type of inspection. One of the responsibilities of the MID under the Meat Inspection Act is to examine the products of the meat industry for the presence of harmful chemicals. Actually the MID over the past half century has been exercising the same type of control over additives used in meat which is being employed for the first time by the Food and Drug Administration with respect to other foods. However, it is being enforced in a more effective sort of way since the MID inspects every animal and every carcass which goes through a federally inspected plant, and does not have to rely simply on spot checks. Every ingredient going into a meat product must first pass the scrutiny of MID, whether or not it might be technically classified as a "food additive," and every label which is employed on such products must have the prior approval of the Division. Without such prior approval, the product cannot bear the mark of Federal inspection. I must confess that this requirement of prior approval at times has caused the industry some problems, for believe me, the MID takes its responsibility to the public very seriously, and at times we have thought its restrictions were too severe.

I mention this simply to emphasize the high degree of protection which Federal meat inspection provides to consumers and to underline the obvious fact that the cost of inspection is a small price to pay for a public service of this character. Interest in chemicals employed in foods is running high these days, and while we feel the Food and Drug Administration does an admirable job considering the broad field it has to cover and the limited tools with which it works, we are convinced that Federal meat inspection fills a need which cannot be supplied in any other way. It is not general knowledge, but it is a fact that the MID through its continuous inspection system condemns 1 million pounds of meat and meat food products every working day, thereby preventing unfit products from ever reaching the market.

If the emphasis placed on the MID's important function in the field of chemical additives tends to give the impression that this is its only or even its principal responsibility, that point should be cleared up. Quoting from the Division's most recent annual report, following is an enumeration of its activities during the past year:

"(1) Examination of food animals, including cattle, calves, sheep, swine, goats, and horses prior to slaughter to eliminate those animals found to be affected with diseases or other unwholesome conditions; (2) a thorough postmortem examination of each carcass at time of slaughter to detect and eliminate diseased and otherwise unfit meat; (3) destruction for food purposes of all diseased, unsound or otherwise unwholesome meat and meat food products; (4) supervision of the preparation of meat and meat food products to assure their cleanliness and wholesomeness during their preparation into articles of food; (5) guarding against the use of harmful preservatives and other deleterious ingredients; (6) supervision of the application of marks to meat and meat food products to show that they are 'U.S. Inspected and Passed'; (7) supervision of the application of informative labeling and prevention of the use of false and deceptive labeling on meat and meat food products; (8) certification of meat and meat food products for export; (9) inspection of meat and meat food products offered for importation into this country; (10) examination of meat and meat food products for compliance with specification requirements of governmental purchasing agents; (11) such investigations as are necessary to insure the accuracy and effectiveness of the inspection procedures; (12) supervision of the manufacture and labeling of process or renovated butter; (13) guarding against residues in meat resulting from ingestion, treatment with or exposure to such substances as pesticides, growth-promoting substances, drugs or biologicals; and (14) developing and determining acceptable methods for humane slaughter of meat animals."

Another function of the MID, although a byproduct of its major activities, is the statistical reporting which it does. The figures which are generated in this Division measuring the volume of slaughtering and processing of federally inspected plants are the most accurate we have on the livestock and meat industry. I mention this as a 15th point because of the dependence which we all have on these MID figures; therefore, we need to recognize this function of the Division in any consideration of its appropriations.

It is remarkable actually that a service of this scope and thoroughness can be conducted with the modest appropriation which is provided. Just one incident of the cranberry-type occurring in the meat industry could cost the public more than the whole year's meat inspection appropriation, and the public can consider itself fortunate that this inspection program is in the hands of such a dedicated group of professionals as Dr. A. R. Miller and his associates.

Mr. Chairman, I have long been convinced that the money spent by the Government on Federal meat inspection was money wisely invested. Sometimes I have felt frustrated because I was not sure that others appreciated the significance of this service. If the public furore over chemicals has done nothing else, it has given new emphasis to the essential work being done by the Meat Inspection Division and to the importance of providing adequate funds for its support. The American Meat Institute most earnestly urges that you approve the amount of the budget request to cover Federal meat inspection for the 1961 fiscal year.

Now I would like to discuss a less publicized but extremely important activity of the Department of Agriculture, i.e., its Crop and Livestock Reporting Service.

As you are well aware, U.S. agriculture is going through a virtual revolution both in the technology of production and in its economic organization. The hog industry is no exception in this respect. Fewer farmers are raising hogs and there is an increase in the number of hogs raised per farm. Along with this trend in greater production per farm has been a shift to the practice of multiple farrowings and a change in the seasonal production of pork. For example, in the early 1930's, 14 percent of the spring farrowings were in the months of December, January, and February. For the 1959 crop, it was 38 percent. In addition, the Southeastern States have expanded greatly in hog and other livestock production. Hogs reach marketable age earlier today than in the past.

These changes multiply greatly the problems of estimating crop and livestock production. Specific procedures for continually evaluating these revolutionary changes would seem to be a necessary part of the Department of Agriculture estimates program.

If my memory is correct, I believe, Mr. Chairman, that several years ago you requested the USDA's recommendation for an immediate and long-range program for the development and improvement of the agricultural estimating work of the Department. This report was made to your committee in 1957. However, to my knowledge, there has been limited progress in the modernizing of the procedures or techniques developed for improving the accuracy of the pig crop estimates as we have moved through this revolutionary period in hog raising.

Basically, the pig crop reports are and have been good, but the present reporting program is not adequately filling present-day requirements.

For example, hog prices have advanced markedly since the first of the year, and currently there is a very lively discussion going on in the swine industry as to whether or not producers have changed their breeding intentions for 1960. A partial answer to this important question will be provided by the quarterly survey released today.

However, a full-fledged estimate of the 1960 spring crop will not be released until June 21. By that time some pigs from this crop already will be on their way to market. The absence of specific knowledge as to what is happening to hog production in the meantime will make it difficult for any part of the swine industry to adjust to these changes. Our livestock economy does a better job for both producers and consumers when it can avoid radical changes that occur when actual production trends are not known.

We understand that the Department has a plan which seems very feasible. This would expand the quarterly pig crop from the present 10 States to 16 States: including 12 North Central States, North Carolina, Georgia, Kentucky, and Tennessee. These 16 States accounted for 85 percent of the U.S. pig crop in 1959. These figures would show the number of hogs on farms, the number of sows farrowed and pigs saved during the preceding quarter, the number of sows farrowed by months, the farrowing intentions for the following 6-month period by quarters, and revisions as needed in inventory and farrowing estimates for previous quarters. These details are the same as now published in the 10 States quarterly report except that the present reports do not include estimates of pigs saved, they do not include estimates of sows farrowed by months, and they do not include revisions for prior quarters.

The institute isn't trying to unnecessarily enlarge the agricultural budget but it feels that of the large quantity requested for research, some of this sum could be wisely earmarked for improvement of the livestock estimating procedures and reports.

An improvement in the pig crop data would be beneficial to all segments of the industry, including producers, transportation agencies, processors, retailers, and consumers.

The Department of Agriculture is doing far too little research on chemicals for agriculture. Chemicals are an essential part of the production of good food. They always have been. The complexity of consumer demands for variety and quality in the food supply make the use of safe chemicals even more important today.

Everyone is concerned, and rightly so, that only safe chemicals be used. We in the meatpacking industry have adhered closely to this philosophy for more than half a century under the careful control of the Department's Meat Inspection Service.

The producer, especially the producer of livestock and dairy products, needs improved methods for dealing with the multitude of diseases and pests that threaten every day to destroy and contaminate his products. The Department should take the lead in developing new chemicals and biological methods for dealing with these diseases and pests without leaving any questionable residues.

The Department's scientists have many leads for developments of this kind, but have not been able to follow through on them. Such things as the use of powerful lures that will attract insects for long distances to commit suicide in specially designed traps and the use of special chemicals which affect the reproductive capacity of the insects in such a way as to bring about insect rate suicide should be vigorously developed. These things can be done without any harmful effect to man or other warmblooded animals if we just put a real effort into it.

This is not to say the chemical industry have not done a good job. They have and they can be expected to continue to do so. However, in areas where residues in food or feed are a critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture.

Mr. Chairman, the American Meat Institute is especially glad to see that the Department has requested one and a half million dollars for intensive research to develop new chemicals and biological measures for use in agriculture to avoid hazards from residues. Our only quarrel with this request is that it is in our opinion not nearly enough when we consider that private industry requires a million to a million and a half dollars to develop just one chemical for the market. We think this amount should be increased to at least 8 or 10 times, with one-third of whatever the amount in the first year set aside for a modern laboratory and equipment where teams of the best scientists can be brought to work on this problem.

It is the considered judgment of the American Meat Institute, which has been actively concerned with this problem for several years, that expenditures of Federal funds in this area are essential, wise and in the public interest. It is an area in which the meatpacking industry and the American Meat Institute have and are spending considerable amount of research funds. This problem calls for effort on the part of Government, producers of agricultural products and the processors of food, in the national welfare.

Thank you.