trolled island barrier southeastward from Asia to separate the Pacific and Indian oceans, and toward the ultimate conquest of Australia.

In Cuba, the Communist conspiracy has secured a strategic beachhead convenient for attacks on the United States. Moreover, this was accomplished under the leadership of a man who owes his freedom to the Secretary of State of the United States who intervened in his behalf under pressures from sources not yet explained. Its purpose is the creation of more and more trouble throughout Latin America, especially in the Caribbean, and Central American countries. This we recognize as part of the often mentioned program for obtaining control of the Panama Canal.

Procurement planners tasted blood at Suez. They have now made the Panama Canal a key target for another propaganda offensive against continued U.S. sovereignty over the Canal Zone.

It thus becomes imperative that the Congress, as the ultimate authority under our constitutional system in questions of national policy, should exercise without further delay its legislative powers to promote the safety of the continental United States and, by so doing, of the entire Western Hemisphere.

The situation in the Caribbean, on which I have addressed the House many times, becomes more critical every day. There is no time to be lost. Hence, I urge, in line with the President's declaration at Rio de Janeiro, that the Congress pass the resolutions now pending to extend the Monroe Doctrine and to reaffirm our Isthmian Canal policies.

Again I ask: "Why wait for new blows to fall?"

The indicated resolutions follow:

HOUSE CONCURRENT RESOLUTION 445

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) That in any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

HOUSE CONCURRENT RESOLUTION 450

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

HOUSE CONCURRENT RESOLUTION 33

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in any wise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only to the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

SENATE

THURSDAY, MARCH 31, 1960

(Legislative day of Wednesday, March 30, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Winfrey C. Link, minister, Glendale Methodist Church, Nashville, Tenn., offered the following prayer:

O eternal God, Thou hast been good to our Nation. Grant that we, in turn, may be obedient to Thy will. Thou hast given us a rich heritage and a great future in our children and our youth. May those here in Washington who are studying the needs of children and youth receive wisdom from Thee.

Visit these hallowed Chambers with Thy presence, we pray. Bring to the minds of these Senators the wisdom which can come only from Thee. Grant to them strength sufficient for their tasks. Endue them with courage to act on moral principle, above any personal or political influence. Inspire all who this day participate in the debate in this legislative body.

In the name of Jesus, our Saviour, who surpassed all in conviction and courage, we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 30, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

of his secretaries, and he announced that on March 28, 1960, the President had approved and signed the act (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the United States Capitol.

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

H. Con. Res. 582. Concurrent resolution providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber; and

H. Con. Res. 607. Concurrent resolution authorizing the printing of a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?"

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the U.S. Capitol; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber, was referred to the Committee on Armed Services, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber in accordance with the plan of disposal published by General Services Administration in the Federal Register of September 15, 1959 (24 F.R. 7430).

The concurrent resolution (H. Con. Res. 607) authorizing the printing as a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?" was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That (a) with the permission of the copyright owner of the book "Our American Government—1,001 Questions on How It Works", with answers by WRIGHT PATMAN, published by Scholastic Magazines, Incorporated, there shall be printed as a House document the pamphlet entitled "Our American Government: What Is it? How Does It Function?" In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of the House of Representatives, and the Resident Commissioner from Puerto Rico.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, subject to a 3-minute limitation on statements.

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

THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I think the progress the Senate made yesterday with the civil rights bill is indicative of the fact that the Senate is proceeding in good time. Of course, we still have a long way to go; but I think the Senate should have an opportunity to pass upon all the proposals made and to discuss them at length. I have always thought it essential that proposed legislation be considered from every aspect.

It is extremely encouraging to me that we have gone as far as we have, as quickly as we have. I hope we shall continue to proceed in good order and good humor, with good results.

MEMORIALS

The PRESIDENT pro tempore laid before the Senate memorials signed by John D. Schneider, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising, which were referred to the Committee on Foreign Relations.

RESOLUTIONS OF COFFEY COUNTY, KANS., FARMERS UNION

Mr. CARLSON. Mr. President, the Coffey County Farmers Union at a recent meeting adopted resolutions in regard to the Federal farm program and the Farmers Union educational program.

These resolutions stress the need for farm legislation that will assure the American farmer of his fair share of the national income.

I ask unanimous consent that the resolutions be printed in the RECORD, and referred to the appropriate committees.

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

To the Committee on Agriculture and Forestry:

"FARMERS UNION RESOLUTION ON FEDERAL FARM PROGRAM

"Whereas annual net farm income has fallen from $15.3 billion in 1952 to $10.3 billion in 1959; and

"Whereas, the 1959 prices received by farmers for their output were 16 percent below the 1952 level, and prices paid by farmers rose nearly 11 percent during the same period, and

"Whereas since the administration has lowered support prices, surpluses have increased which indicate that the present administration policies are a huge failure; and

"Whereas USDA economists predict net farm income will fall to $7 billion in next few years, less than half that of 1952 level, if price supports are withdrawn, as the present administration and a few others advocate which, we believe, would wreck our total economy as in 1930's: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union in session this 11th day of March 1960 at Burlington, Kans., favor a Federal farm price support bill, that provides:

"1. Farmer elected committees from county to national levels, with requirements that actual farmers have control.

"2. A national food use program, which would bring domestic consumption and foreign surplus utilization programs, into gear with the price support program.

"3. Support level at not less than 90 percent of current parity for any commodity, whose producers have not disapproved a market supply adjustment program as worked out by the Secretary of Agriculture, and submitted to a two-thirds referendum.

"4. A wide variety of methods to carry out these programs, including Government loans, marketing orders, allotments, incentive payments, and a strong soil conservation program; be it further

"*Resolved*. That a copy of these resolutions be sent to the Secretary of Agriculture, chairman of the Senate and House Agriculture Committees, Senators SCHOEPPEL and CARLSON, Congressman ED REES, and that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"President."

To the Committee on Labor and Public Welfare:

"FARMERS UNION RESOLUTION ON EDUCATIONAL PROGRAM

"Whereas according to the National Education Association and other study groups'

reports, U.S. expenditures for public schools during the school year 1958–59 totaled $14.5 billion; and at this same time our expenditures for alcoholic beverages and tobacco were $15.5 billion; and

"Whereas according to these same study groups, 56 percent of the cost of public education is paid by local government, 40 percent by State government, and only 4 percent by Federal Government; and

"Whereas a big increase in taxes will be necessary if we are to develop an adequate and effective educational program; and

"Whereas most all local school and some State taxes are raised by a tax levy on real and personal property; and

"Whereas farmers cannot add the cost of taxes to the price of their products and pass them on to consumers, as industrial enterprises do; and, since an increase in local school taxes would be a great burden on farmers: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union, in session this 11th day of March 1960 at Burlington, Kans., favor a substantial increase in Federal aid to public elementary and secondary schools for school construction, and Federal aid for school instruction, to at least $25 per child of school age, in these same schools, as provided in bill H.R. 22, by Representative METCALF; be it further

"*Resolved*, That a copy of these resolutions be sent to the Secretary of the U.S. Department of Health, Education, and Welfare; a copy to each, Senators SCHOEPPEL and CARLSON; Congressman E. H. REES, and to the local papers for publication; also, that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"President."

RESOLUTION OF SOUTH CAROLINA DEMOCRATIC STATE CONVENTION

Mr. JOHNSTON of South Carolina. Mr. President, I present a resolution adopted at the South Carolina Democratic State Convention. The resolution calls attention to the danger in striking out what is known as the Connally amendment. I ask that the resolution be printed in the RECORD and be referred to the committee which deals with this matter.

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

Whereas the World Court was established by the United Nations with the intent that it should be superior to all domestic courts of each participating nation in those matters within its jurisdiction; and

Whereas in adopting the resolution committing and binding the United States to participate in and accept the jurisdiction of the World Court, the Congress of the United States wisely protected the sovereignty of this nation by providing that this World Court would have no jurisdiction over "disputes with respect to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States," and

Whereas Senator HUMPHREY, of Minnesota, has introduced Senate Resolution 94, calling for the elimination of the words "as determined by the United States," which words are known as the Connally amendment; and

Whereas if these words, "as determined by the United States," are eliminated from the agreement of this Government to accept the jurisdiction of this World Court, the United States will have virtually surrendered its Constitution and its national sovereignty and accepted the dictation and control by foreign governments of its internal affairs: Now, therefore, be it

Resolved by the State Democratic convention in regular convention assembled, this 16th day of March A.D. 1960:

1. That this convention urges the Senators representing the State of South Carolina in the United States Senate, and the Foreign Affairs Committee of the United States Senate to oppose repeal of the Connally amendment and to defeat Senate Resolution No. 94 as mentioned.

2. That a copy of this resolution be forthwith transmitted by the secretary of this convention to U.S. Senators OLIN D. JOHNSTON and J. STROM THURMOND, and to the chairman of the Foreign Relations Committee of the U.S. Senate with the request that it be called to the attention of the whole committee.

Mr. JOHNSTON of South Carolina. Mr. President, I also present a resolution which was adopted at the South Carolina Democratic State Convention. The resolution deals with matters pertaining to the antitrust laws. I ask that the resolution be printed in the RECORD and appropriately referred.

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

Whereas during certain periods in the history of the United States the Federal Government has used its powers to enforce its laws on some groups promptly and severely, while at other times such laws have been very loosely enforced against certain other groups: Now, therefore, be it

Resolved by the State Democratic Convention, That the U. S. Government is hereby requested to apply all Federal laws, particularly the antitrust laws, in a similar manner and with equal force to business, unions, or any other groups or persons that may affect the life or welfare of our Nation; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each Congressman and Senator from South Carolina.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate (Rept. No. 1208).

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD (PT. 4 OF S. REPT. NO. 1139)

Mr. McCLELLAN. Mr. President, as chairman and on behalf of the Senate Select Committee on Improper Activities in the Labor or Management Field, pursuant to Senate Resolution 44 and Senate Resolution 249 of the 86th Congress, I submit part IV of the report of this committee, unanimously approved by all its members.

This part of the report contains a summary of the testimony and of the findings of the committee relating to the coin-operated music, amusement, and cigarette vending machine industry.

Included in this report is a summary of the select committee's activities and achievements during the past 3 years, as well as the committee's acknowledgment of the fine cooperation it received from other branches of the Government, from local law enforcement agencies, and from its own staff.

I respectfully urge that Senators read at least the summary in this report, showing the work of the committee, some of its accomplishments and some of the results that have come about by reason of the work the committee has performed.

I shall release, upon filing this report, a statement to the press in which I have commented upon the work of the committee. I ask unanimous consent to have this press release printed in the body of the RECORD at this point as a part of my remarks.

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

PRESS RELEASE BY SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed the last of four volumes comprising the final report of the committee.

In this fourth volume the committee draws attention to the widespread infiltration of coin-operated machine business by hoodlums. The committee indicates that this infiltration is so extensive as to constitute a national problem.

The report also recounts the history of the committee and enumerates the results forthcoming from its activity, principally the passage of the Labor-Management Reporting and Disclosure Act of 1959.

The committee describes the great increase of the use of coin-operated machines into the multi-million dollar enterprise which exists today. The half-million jukeboxes in the United States have brought in over $300 million, in cash, over each of the last several years. Concerning this section of the coin-machine industry, the committee report states:

"Every area of committee inquiry showed collusive ventures by racketeers in operator associations and union locals to repress competition for that revenue."

The amusement-type machine are another class discussed by the committee. These constitute a major problem only when merged with the payoff type, which are gambling devices.

The committee report describes hoodlums infiltration or coercion at every level of the coin-machine industry from the manufacturers through the distributors, the operators, and the location owners.

The evils of this situation are compounded by the perversion of union labels for coercive purposes. The person controlling the issuance of the labels controlled the coin-machine business, according to witnesses. The committee report goes on to state:

"An outstanding proportion of known criminals were found with controlling interests over either—and sometimes both—union or employer groups."

The ease of control by collusion or coercion has attracted many hoodlums to the coin-operated machine business, to the detriment of the legitimate operators.

The prominence of William Bufalino, a Teamster official, in the racket-infested coin machine business in Detroit not only illustrates the extent of the problem there, but also demonstrates the incongruity of his recent nomination by James R. Hoffa to be a

member of the board of monitors of the Teamsters Union.

In its report the committee describes its beginnings as an outgrowth of work begun by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations. It sets forth figures to show that its staff members have traveled extensively (2½ million miles), and that the transcript of testimony heard before the committee reached the staggering total of 46,150 pages. The report also discloses that 343 witnesses out of a total of 1,526 (about one-fifth) pleaded the fifth amendment.

The committee points out that the facts exposed and the information gained through its hearings were probably the greatest single element resulting in the eventual passage of the Labor-Management Reporting and Disclosure Act of 1959.

In its report the committee recounts the cooperation of many persons, expressing its gratitude to many public officials throughout the United States for their wholehearted cooperation and assistance over the past 3 years. It also reveals that it has received approximately 150,000 unsolicited communications, most of which were from members of labor unions, and the vast majority of which commended the work of the committee.

Included in this report is a long list of persons indicted, convicted, and ousted from office as a result of public disclosure of their misdeeds. The report points out that the committee itself has no prosecutive function, but that prosecution by law enforcement officials has resulted from committee revelations.

At the end of the report, Chairman McCLELLAN expresses his appreciation to the "able staff, whose complete loyalty and dedicated service have enabled the committee to fulfill its task so well."

Mr. McCLELLAN. Mr. President, I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, and submitted a report (No. 1209) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

BILLS INTRODUCED

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

By Mr. WILEY (for himself and Mr. PROXMIRE):

S. 3303. A bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs; to the Committee on Interior and Insular Affairs.

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

By Mr. BIBLE (by request):

S. 3304. A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes; and

S. 3305. A bill to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

CONCURRENT RESOLUTION

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, which was placed on the calendar.

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

FEDERAL LOANS FOR MENOMINEE INDIAN TRIBE IN WISCONSIN

Mr. WILEY. Mr. President, on behalf of myself and my colleague, the junior Senator from Wisconsin [Mr. PROXMIRE] I introduce, for appropriate reference, a bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin in establishing sound financing for tribal enterprises upon termination of Federal control over the tribe.

As provided by Congress, Federal control over the tribe will terminate on December 31, 1960.

To assure protection, and best utilization of the assets of the tribe, plans have been submitted to the Secretary of Interior, for among other things, creating a corporation under the laws of the State of Wisconsin that will take title to all Menominee Indian forest lands and other property.

The plan provides for local government, under State statutes. To accommodate the changed status of the Indians, Wisconsin has created a new—incidentally, its 72d—county for the Menominee Indian Reservation.

Upon lifting Federal control over tribal affairs, however, one of the most serious problems confronting the Menominee will be that of meeting post-termination financial obligations.

In the past, other tribes of American Indians have faced similar, or related, problems. To help such tribes, special programs have been necessary, from time to time, both in the interests of the Indians, themselves, the surrounding community, and the country.

In the light of this history, I believe that it would not be inconsistent policy-wise, now, to make special provisions to help the Menominee Tribe meet its financing problems.

As introduced, the proposal would authorize a $2.5 million loan to the tribe under such conditions as shall be established by the Secretary of Interior. We recall, of course, that the Secretary also has the responsibility for approving termination plans and the post-termination setup for handling of tribal assets.

The approval of this loan authorization, in the light of these factors, would be, I believe, in the best interests both of the tribe and the economy of the State, as well as the Nation.

I ask unanimous consent to have a copy of this bill printed in the RECORD.

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

The bill (S. 3303) to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954, as amended (68 Stat. 250, 252; 70 Stat. 550; 72 Stat. 291; 25 U.S.C. 897), is amended by inserting "(a)" immediately following "SEC. 8." and by adding at the end thereof the following:

"(b) In order to provide assistance in the establishment by the tribe or its successor entity of a program of sound financing of its business operations for the expansion and modernization of existing tribal enterprises and for the development of tribal resources, and in order to facilitate the complete accomplishment of the purpose of this Act, the Secretary is authorized to make loans to the tribe or its successor entity at such times, in such amounts, at such rates of interest not in excess of 4 per centum per annum, and subject to such terms and conditions, as he deems appropriate. The aggregate amount of all such loans shall not exceed $2,500,000. There are hereby authorized to be appropriated, to remain available until expended, such sums, not to exceed $2,500,000 in the aggregate, as may be necessary to carry out this subsection."

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. JAVITS. Mr. President, I submit an amendment to the pending bill, H.R. 8601 the Civil Rights Act of 1960, and ask that it may be presented and read under the rule.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection?

Mr. JAVITS. Before taking the time of the Senate, I ask unanimous consent that the reading of the amendment be dispensed with, on the ground that this is an amendment which was contained in the Dirksen substitute as the Government's contracts committee section.

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

The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 21, after line 12, insert the following new title and renumber the succeeding title and section:

"TITLE VII

"SEC. 701. (a) There is hereby created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts', hereinafter referred to as the Commission.

"(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

"(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

"(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

"(e) The Commission shall render to the President annual reports for transmission to the Congress.

"(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section."

Mr. ERVIN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. KEATING submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

MASS TRANSPORTATION SERVICES IN METROPOLITAN AREAS—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, at the request of the Senator from Maryland [Mr. BEALL], I ask unanimous consent that his name may be added as a cosponsor of the bill (S. 3278) to amend section 701 of the Housing Act of 1954 and title II of the Housing Amendments of 1955 to help improve mass transportation services in metropolitan areas, which I introduced March 24 for myself and Senators CLARK, JAVITS, KEATING, ENGLE, HUMPHREY, SYMINGTON, MORSE, HENNINGS, HARTKE, YOUNG of Ohio, and BRIDGES.

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

DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 29, 1960, the names of Senators MURRAY, JAVITS, and WILLIAMS of New Jersey were added as additional cosponsors of the bill (S. 3292) to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes, introduced by Mr. CLARK on March 29, 1960.

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

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

By Mr. WILEY:

Address by him entitled "A Blueprint for American Space Leadership: Rockets for Peace," delivered before the American Rocket Society, National Capital section, March 31, 1960.

By Mr. DIRKSEN:

Address entitled "The Truth Gap," delivered by Secretary of Commerce Frederick H. Mueller before the Executives Club of Chicago, on March 25, 1960.

By Mr. PROXMIRE:

Article entitled "Pulaski Group Pays Tribute to ZABLOCKI," published in the Milwaukee (Wis.) Journal.

THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

Mr. DIRKSEN. Mr. President, March 25 was the 139th anniversary of Greek Independence Day. Independence day commemorations have deep-rooted significance to the peoples of each nation, and their celebrations have become like sacred national festivities.

History reflects that three great revolutions occurred within the same era, each having a significant effect on the others: The American Revolution by the Colonists, the French Revolution, and the revolution by the Greeks against the Ottoman Empire. The way of freedom and democracy was shown to the world.

Greece has for centuries fought against repressors, and in ancient days saved the European civilization from the attackers of the East. In the 15th century the Greeks were again called upon to stop the Ottoman Empire from spreading throughout Europe. Although they were not successful in protecting their own homeland, they did retard the spread of the Ottoman Empire in Western Europe.

One hundred and thirty-nine years ago, in 1821, the brave and heroic Greek people began their revolution against the Ottoman Empire; and after 6 long years of fighting for freedom, against heavy odds, with the aid of their friends they succeeded in attaining their goal.

Within the present era the Greeks were again called upon to fight to protect their independence; and they withstood the thrusts of fascism, nazism, and communism in the 1940's. Hardly had those battles subsided when the freedom-loving Greeks sent troops to South Korea, to aid those people in their fight against communism.

Mr. President, this day is also symbolic to the Americans of Greek descent, since it is a focal day for the consideration of many notable projects that Americans of Greek descent are undertaking for the good of our country, in general, and for the American-Greek Orthodox, in particular. I have reference to the energetic projects such as the American Hellenic University, which is planned for the Boston, Mass., area, under the leadership of His Eminence, Archbishop Iakovos, Mr. Spyros Skouras, Judge John Pappas, and Ambassador Tom A. Pappas, and numerous members of the executive committee from my State of Illinois, and throughout the United States. Another significant project is the formation of the American Hellenic Congress, a union for specific projects of all Greek-American national organizations in the United States.

Since March 25 was also a religious day, it was fitting that a clergyman of the Greek Orthodox faith should be invited to offer a prayer before the U.S. Senate and the House of Representatives, a practice which is accorded to the clergymen of the Catholic, Protestant, Eastern Orthodox, Jewish, and other religious faiths. I am happy to have had the privilege of extending such invitations in the past.

Today Greece still clings to the independence regained 139 years ago; and all Greeks stand guard in their beleaguered homeland against Communist totalitarianism. In connection with the celebration of their Independence Day, I wish them power, peace, and prosperity, and a firm resolution to fight the forces of evil as manifested by totalitarianism.

THE 42D ANNIVERSARY OF DECLARATION OF INDEPENDENCE OF BYELORUSSIA

Mr. DIRKSEN. Mr. President, on March 25 the Byelorussians in the free world commemorated the 42d anniversary of the declaration of independence of Byelorussia.

It was on March 25, 1918, that the people of Byelorussia, after ridding themselves of some two-centuries-long domination by Russia, made the world aware of their fate, by proclaiming their land the free and independent Republic of Byelorussia. Unfortunately, the young Byelorussian National Republic could not enjoy her freedom and sovereignty for long. Soon thereafter her entire territory was turned into a battlefield, first between the forces of Russia and Germany, and then between the forces of Russia and Poland; and the tragedy befell again. The Byelorussian land was conquered, and the people found themselves in captivity. At the Treaty of Riga in 1921, Russia had claimed the eastern two-thirds of Byelorussia's territory, and Poland annexed the remaining western one-third to her state. Those nations held these territories until 1939. Since World War II, Byelorussia has been again occupied by Russia; one-half of her ethnographical territories has been incorporated in the Byelorussian Soviet Socialist Republic and the remaining one-half was shamelessly distributed by Russia among the Peoples Republic of Poland, the Soviet Socialist Republics of Lithuania, Latvia, and the Ukraine, and her own Soviet Federated Republic of Russia.

Regardless of where the Byelorussian people live today, in the U.S.S.R. proper or in other Communist-dominated republics, they have been denied equal rights and political, economic, religious, and personal freedoms, and they are subjected to undisguised abuse and oppression. The Russians have carried out unheard of exploitations, discriminations, and persecutions against the Byelorussian people in every phase of their national life. Not only have the Russians attempted to erase from the minds of the Byelorussians their national heritage, but Russia has also attempted to eradicate them as a nation.

I join my many colleagues in the Senate who offer best wishes to the Byelorussian people everywhere.

Mr. President, the Byelorussian-American Youth Organization in the State of Illinois has submitted an interesting statement to me, which I would like to have placed in the RECORD at this point, as follows:

According to the Soviet census of population of 1959, the number of the Byelorussians decreased from 9,300,000 to 8 million people and the question remains unanswered as to what happened to the 1,300,000 people. There was no epidemic and it would be impossible for 1,300,000 people to die from natural causes during the course of 9 years. Our guess is that they either were forced to renounce their Byelorussian nationality for Russia or killed in the forced labor camps. Not only have the Byelorussians been forbidden to observe their national holidays but also their native language has been denied equal right and the Russian language is being imposed upon them. Their many outstanding talents have been forced to abuse the famous past of the Byelorussian nation and to glorify its bloodthirsty tyrants. Their writers and poets have been forbidden to mention famous old Byelorussian culture and forced to glorify only the "genius" and exploits of "the elder brother—the great Russian people." Their rural population has been deprived of their right of tilling their own soil and while millions of acres of arable fertile land have remained unplowed and while misery and hunger threaten the entire country of Byelorussia, the young people from those areas instead of being allowed to develop and to improve the economy of their own republic are being forced by the tens of thousands to move away from their native land and settle down in the regions of Kazakhstan to upturn the virgin land there. Their industry and particularly the farm machinery is made not for the use of the Byelorussian people themselves but to aid Moscow in widening her horizons of influence in the worldwide trade-and-aid war. While the Byelorussian-made machinery is being shipped to Egypt and other countries in the free world, the same machinery is not in sight in Byelorussia.

Despite all the horrible treatment and unheard of exploitation by Russia, the Byelorussian people never broke down morally. The love of liberty still burns in their hearts and they only hope the free world would come to understand their desires, sympathize with them, and give them encouragement until the day when they again will become free and masters of their own country.

To commemorate the 42d anniversary of the declaration of independence of Byelorussia and to help keep alive the spirit of freedom of the Byelorussian people in their occupied homeland, this year as in the past, the American citizens of Byelorussian descent in Illinois will again join with other American citizens of Byelorussian descent in the United States as well as all other Byelorussians in the free world in observing this day with prayers and special programs. We feel that, as long as the people of Byelorussia are kept in bondage, it is our obligation, as their descendants, to raise complaints and express opinions in their defense.

GOOD DEMOCRATIC NEWS FROM WISCONSIN

Mr. PROXMIRE. Mr. President, from Wisconsin there comes extremely good news for the Democratic Party. While the eyes of almost every newspaper reporter who has been covering our State have been focused on the red-hot HUMPHREY-KENNEDY primary race, the Wall Street Journal's enterprising reporters, Allan Otten and Robert Novak, have probed deeper. They have asked the people of my State how they would vote in November, as between NIXON and any Democratic nominee. The answer was emphatically that they would vote for the Democratic nominee.

In view of the fact that Wisconsin has voted for the nationally victorious candidate in seven of the last eight presidential elections, the Wisconsin response was good Democratic news.

It was also very reassuring to those of us who have been deeply concerned that the unusual vigor of the intraparty primary struggle might seriously damage Democrats in Wisconsin. Incidentally, the article suggests that there are really solid values in primary contests for the party that holds them. The party that goes through the fire and anguish of the struggle seems to win adherents as the Democratic Party appears—according to the Wall Street Journal—to be winning adherents in Wisconsin today.

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

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

[From the Wall Street Journal]

NIXON'S CHANCES—HE FACES UPHILL FIGHT FOR PRESIDENCY, A POLL IN WISCONSIN INDICATES—VICE PRESIDENT LOSES MANY INDEPENDENT IKE BACKERS; SOME REPUBLICANS ARE COOL—MR. NIXON SOUNDS A WARNING

(By Alan L. Otten and Robert O. Novak)

MADISON, WIS.—Republican Presidential Candidate RICHARD M. NIXON appears to be in serious political trouble.

Talks with hundreds of Wisconsin voters turn up an astonishingly large number of 1952 and 1956 Eisenhower fans who say that, as of now, they don't plan to vote for the Vice President this November. Democrats and independents of this State who were charmed by Mr. Eisenhower's personality or won over by his views just don't feel the same way about the man he now wants to follow him into the White House. Most say they'll vote Democratic this fall—no matter who the Democratic nominee may be.

And while Mr. NIXON clearly will get the votes of almost all hard-core Wisconsin Republicans, some are supporting him with a lack of enthusiasm that could cost him money and volunteer effort in the coming campaign.

"Vote for NIXON? I just don't hardly think so," says Milwaukee carpenter Emil Loves, who voted for Ike both times. "I just don't feel good about him." Declares Mrs. Ray Ashbacher, Prairie du Chien librarian: "Mr. NIXON disturbs me. I think I'll go Democratic this time." She, too, voted for Eisenhower in both his races.

VAGUE BUT EMPHATIC

Such sentiments are repeated to the point of monotony, and are all the more monotonous because they usually are vague, cloudy, unspecific and yet emphatic. Many folks who liked Ike say firmly, in varying words, "There's just something about NIXON I don't like." In addition to these are some who have soured on the Republican Party for economic and other reasons. And a few who rallied to the GOP "time for a change" theme in 1952 are now turning it against the Republicans.

Two questions may properly be asked about these findings.

First. Is Wisconsin sentiment typical of that in the Nation?

Second. If so, will it still prevail by November election time?

Wisconsin was surveyed by the Wall Street Journal primarily to test voter reaction to Senators KENNEDY and HUMPHREY, confronting each other in the Democratic primary next Tuesday. (Findings on this were printed on this page yesterday.) But each voter, interviewed at length, was also questioned about his voting plans or inclinations for the November election. And this disclosed the anti-Nixon feeling in strikingly large dimensions.

It is possible that the uproar of the Democratic primary campaign has in fact twisted Wisconsin voter ideas somewhat out of the national pattern. Senators HUMPHREY and KENNEDY have been needling each other, but they also have both been flailing at Mr. NIXON. The Vice President, unopposed in the GOP primary, has stayed out of the State since February: The Republican case has rested in near silence.

LONG-HELD DOUBTS

For Republicans to brush aside Wisconsin coolness toward NIXON, therefore, would be easy, but perhaps dangerous. Voters swinging away from the Republican ticket seem to be deciding not on the basis of current cam-

paigning, so far as earnest reporting can measure motivation, but rather on the grounds of long-held personal doubts.

In other respects, Wisconsin would seem to be a fair enough State to sample. In recent presidential elect'ons it has backed the winner. It offers a mixture of big city, town and farm areas. Although the Democrats recently have elected a Governor and a U.S. Senator, Republicans still hold most county and local offices. While Wisconsin's high percentage of Catholics (30 percent, against about 25 percent for the Nation) might work in the Democrats' favor right now with Senator KENNEDY's Catholicism a major issue, the fact is that widespread opposition to Mr. NIXON is found among Wisconsin Protestants as well.

So there is every reason to suspect that the trend so apparent here may well exist elsewhere.

Of course, no one ever thought Mr. NIXON could win all the Eisenhower voters, and he can afford to lose some of them. The President won so overwhelmingly in 1952 and 1956 that many of his supporters could vote Democratic this time and still leave a Republican victory margin. But not if the switch is on the scale indicated here.

CHANGING VOTERS' MINDS

The Vice President, naturally, can change the minds of many voters between now and November. Already, some Wisconsinites say he has converted them from hostility to friendship in the past few years. As his campaign moves out of quiescence into high gear—and Mr. NIXON is a vigorous campaigner—many more conversions may be made. When the Democrats pick their nominee in July, some voters now cool to the Vice President will decide they dislike that particular Democrat more.

When all that is granted, however, the picture turned up in treks through the Wisconsin towns and countryside still is sharply out of line with the rosy NIXON outlook that most politicians and pundits have been seeing ever since Mr. NIXON's stock shot up after his 1959 summer trip to Russia.

One GOP politician, significantly, has refused to look at the situation so glowingly. He is Mr. NIXON. With access to confidential surveys of his own, he has been taking a far grimmer view. And this week, speaking in Nebraska, he brought it out into the open.

"Anyone who does not recognize that we are in the fight of our lives must be smoking opium," he declared. "We must expect this to be one of the closest and hardest fought campaigns in America's political history." This statement was discounted by some politicians as mere pep talks intended to keep party workers on their toes. But Mr. NIXON meant it literally; he is a realist and he was shouting a warning.

His own campaign strategy in recent months has been based on recognition that an unfavorable image of him may be lingering in the minds of independents and Democrats, and that he must erase it. All his efforts have been aimed at staying in the public eye as a man who does a good job, talks the issues and ignores personalities. This will continue: President Eisenhower will be helping with gestures such as this week's invitation for the Vice President to sit in on talks with British Prime Minister Macmillan.

The picture of Mr. NIXON that turns up in voter interviews runs surprisingly the same in city, town, and farm areas across Wisconsin. It is a picture of Democrats and independents who liked Ike but are not liking DICK. Frustratingly for NIXON efforts to win them back, many of them can't even analyze why they don't like him. "I don't know why I don't love you like I do," could well be their theme song.

"I don't have anything against NIXON on his record; I just don't like the man," says Martin Maider, who farms just outside Chippewa Falls and is a Democrat who voted for Mr. Eisenhower. Mrs. William King, a New Berlin housewife whose husband works in Allis Chalmers' export office in Milwaukee, voted for Ike but declares: "I won't vote for NIXON. There's just something about the way he acts that I can't stand."

Jim Zwick, a young Milwaukee insurance agent, cast his first presidential vote for Mr. Eisenhower in 1956, but will go Democratic this time. "I've been out in California," he says, "and there are a lot of stories about the way he operates. There's just something about him I don't like." Racine leather worker Edward Laznicka contends Mr. NIXON "just talks and never does anything."

Even when the anti-NIXON voters get more precise, their reasons are frequently of a type that could well be rationalization of a more personal subconscious dislike.

"NIXON's too hotheaded," argues Theodore Wiczek, Stevens Point punch press operator. "You need a cool head like Ike's with the world the way it is." Milwaukee I.B.M. machine operator Al Muckerheide declares Mr. NIXON "hasn't done very much as Vice President. He's just been a figurehead." A Watertown highway official objects to Mr. NIXON's extensive foreign travels. "His job back here is more important," he maintains.

However, some of the Eisenhower voters Mr. NIXON seems to be losing are turning against the party rather than the candidate. Sheboygan schoolteacher Bob Sang is "fed up with the lackadaisical attitude of this administration. The President is preoccupied with his budget, and that's all he worries about instead of the great world problems."

Earl Tesch, Hustisford dairy farmer, voted for Ike but will go Democratic this time because "things could be better" for farmers. Art Meyers, who farms outside Elkhorn, has been Republican but now concludes "the Republicans have been too much for big business and the big farmer."

"NIXON's OK, but I think we need a change every once in a while," asserts Viroqua housepainter Sam Orvald. Russell D. Eisenman, Wausau salesman, agrees. "NIXON's a good man, but I think we need some new blood," he declares.

No voter interviewed who called himself an Eisenhower Democrat indicates a possibility of voting for Mr. NIXON this fall—unless Mr. KENNEDY is the Democratic nominee. In that event, some say they'll hesitate about voting for Catholic KENNEDY. Though they deny religion is the reason, all in this group are in fact Protestants.

Democrat Lloyd Lambert, part owner of a La Crosse taxicab company, contends: "I just don't like NIXON, but I'd vote for him over KENNEDY." Eau Claire farmer Gale Kircheff, a Democrat who voted for Adlai Stevenson in 1956, says of a NIXON-KENNEDY race: "That would be a tough one to decide."

Finally, the voter interviews suggest Mr. NIXON must kindle greater enthusiasm among some Republicans who promise to vote for him only rather reluctantly. "I think there's a better man—I don't know just who," says Oxford building contractor John Hamilton.

Mr. NIXON can, of course, kindle enthusiasm and win converts. A number of voters, mostly Republican, say frankly they are going to vote for him and would not have done so 2, 3, or 4 years ago. "I didn't care for him much at all when he first came in," says a Wisconsin Rapids paint store owner. "I think he's come along real well the last 8 years."

The Vice President does, naturally, have many enthusiastic Wisconsin admirers—but almost entirely among year-in, year-out Republican voters. "He's groomed for the job," contends Port Edwards grocery store owner George Klemont. "He knows the Russians. He knows the South Americans. I think in a lot of ways he'd do a better job than Eisenhower." Mrs. Germaine Thompson, wife of a Nekoosa physician, declares, "The fact he's had all that experience certainly qualifies him for the job."

SUPPORT FOR PRESIDENT'S POSITION ON TREATY TO SUSPEND NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, the case for the President's sensible decision to work for a treaty to suspend nuclear testing, based on the recent Russian concessions, is argued with devastating logic by Walter Lippmann in today's newspapers.

Mr. Lippmann knocks down one argument after another of those who oppose such a treaty. He points out that continued testing could be as valuable to Russia as to America—with no net gain for us, and terrible loss to the prospects of human survival. He nails down the deep and troublesome question of secret Russian testing in violation of the moratorium on below-threshold explosions, by pointing out how foolish and self-defeating such tests would be likely to be, even for the Russians.

He concludes with this wise warning:

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada, but over the whole field of rivalry between the two great world coalitions.

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

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

PRELUDE TO THE DEBATE

(By Walter Lippmann)

There is a saying that to govern is to choose, and when we discuss the President's decision on nuclear testing, we must be sure not to lose sight of the fact that he is confronted with choices. If he does not offer the Russians a moratorium which they will accept, there will be no treaty. If there is no treaty, the race in nuclear armaments will be wide open, not only as between the Russians, the British, and ourselves but also for China and the East European satellites.

Much of the opposition, as it issues from the Atomic Energy Commission and the Pentagon, is based on the assumption that if we resume the race in the development of nuclear weapons, the United States will surely be the winner of the race. But have we the right to make this optimistic assumption?

There was no suspension of testing until 17 months ago. From the first test explosion in 1945 until the summer of 1958 we were quite free to do all the testing we wanted to do. But so, too, were the Russians free to do their testing.

In the course of those 13 years of an open race, the Soviet Union caught up with us and became a first-class nuclear power. Why, then, should we take it for granted that another 10 years of an open race will see us the winners, way out in front?

The real question is whether the Russians, testing in secret, may continue the race while we have stopped. This is a theoretical

possibility. But how much of a probability is it? Not very much, it seems to me, because the rewards of secret testing are not very great while the penalties of being caught are very great indeed. The Soviet dictator who ordered secret testing in violation of the moratorium would be making a gamble at very bad odds.

For while there is no certainty that cheating will be detected, there is no certainty that it can be concealed. There are a good many holes in the Iron Curtain. In a matter of this sort not only the intelligence organizations of the United States and Great Britain and of all the Western Alliance but also organizations of the neutrals and indeed of the satellites would be sensitive and alert. A sneak test might be carried out. But what a mess if the cheater were caught. It would not take more than one defector to give him away and, once caught, the damage to the cheater's influence would be tremendous. Theoretically, it is no doubt possible to cheat successfully. There are no doubt instances where men have committed the perfect crime. But *everything* has to go right and nothing must go wrong if the perfect crime is to be committed.

There is a risk that there might be a perfect crime, that a sneak test could be pulled off. But as compared with the other risks we have to live with, this is not a big risk. As I see the problem, the greatest risk is that if we resume the race and step it up, the Soviet Union will, despite the risks to itself, make China a nuclear power. Almost inevitably we, in our turn, will feel compelled to make Germany a nuclear power. After that, anything can happen because neither the Russians nor we will have control over the issues of war and peace.

For this reason the proposed treaty and agreement mark a critical point in the history of our times. If they can be put into effect, the U.S.S.R. and the United States of America will have established a very powerful common interest, which is to arrest the spread of nuclear weapons to other countries and to keep control of the capacity to wage nuclear war.

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which our precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada but over the whole field of rivalry between the two great world coalitions.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSTON of South Carolina. Mr. President, an editorial which appeared in the Sunday, March 27, 1960, issue of the Anderson Independent, of Anderson, S.C., entitled "One Side of Civil Rights Picture Has Been Turned to the Wall," has been brought to my attention.

My first inclination was to place this editorial in the RECORD, for I thought it was one that should certainly be brought to the attention of every Member of the Senate and to others who read the RECORD.

On second thought, instead of placing the editorial in the RECORD, I decided to read it to the Senate. It is the most outstanding piece of journalistic analysis that I have seen on this subject in a long, long time. It is obvious that the editor has gone to a great deal of pains to assemble all of his facts, and I feel no one could do this editorial justice by simply describing it. With that thought in mind, I shall now read the editorial:

ONE SIDE OF CIVIL RIGHTS PICTURE HAS BEEN TURNED TO THE WALL

Some national figure warned long ago—it might have been the late Huey Long, of Louisiana—that if fascism ever came to the United States it would arise under the name of "Americanism" or some other flag-waving word.

If he had lived he could have seen it arriving under the term "Civil Rights."

And he would have seen it make its greatest strides during the administration of a great military hero who gave lip service to States rights out of the same mouth that ordered storm troopers to bayonet peaceful citizens in the city of Little Rock.

The civil rights legislation pending in Congress is but another milestone in the American march toward enslavement under fascism, by whatever name it is called.

The racial issue is being used by the Fascist-minded to win huge blocs of Negro votes in the big cities.

The votes are needed to maintain in office those who are dedicated to big business, big money, and big labor.

During the Ike regime big business has been growing bigger through mergers and big labor has been growing daily in power. It should not be forgotten that Teamster Union bigwigs, for example, have been in the "I like Ike" corner, and that outfit is a genuine threat to our national safety and progress.

When big business and big labor become allied—and there already are tacit working agreements—then liberty of the individual is headed down cripple creek. That already is happening here in our beloved United States.

This is what is going on in the back of the store while the integration politicians make window displays of civil rights legislation.

Is the bleeding-heart majority in Congress really interested in the rights of citizens—all citizens?

Or is their concern limited to the rights, real or imagined, of the militant Negro and other pressure groups?

Is there left among the do-good contingent the slightest regard for the fate of a lone individual?

Is the Ike-Nixon-NAACP axis interested, for example, in the fate of the Reverend Early James Mattox of Atlanta, Ga.?

Mattox is a Negro minister who is a veteran of the Korean war, but in the past few days he has been forced to ask police protection against stonings, shootings, and threats on his life.

Both his church and his home have been stoned. The windows have been shot out of his automobile. His life has been threatened.

Why is Mattox being persecuted? He simply has the courage and good sense to voice opposition to mixing of the races in schools or anywhere else at this time.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may have 3 additional minutes.

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

Mr. JOHNSTON of South Carolina. I continue to read from the editorial:

If this had been happening to the Reverend Luther King, the integrationist agitator who has set up headquarters in Atlanta, headlines in the northern press would be a foot high and the mixer Congressmen would be screaming to high heaven.

Out in Cincinnati, Ohio, one Lawrence Ashcraft, a 30-year-old white insurance salesman, has been slapped into jail. His crime? He has refused to send his children to a school dominated by Negroes.

Ashcraft declared he will remain in jail forever rather than expose his children to the alarming conditions that prevail in schools in big cities where white pupils are heavily outnumbered, as they would be in Charleston and several other counties in South Carolina.

Has any bleeding heart arisen in the U.S. Senate to protest against the violation of the civil rights of either Mattox, a Negro, or Ashcraft, a white man—both of whom are being victimized?

At High Point, N.C., a trucking firm was struck last November because it could not come to terms with the Teamsters Union.

Last week a stick of dynamite was thrown through the company's offices in Charlotte. A day or so later, a dynamite bombing wrecked three offices of the company at High Point.

Have any of the integrationists who foam at the mouth over bombings involving racial conflict arisen to demand a Federal law to curb the bombing of business property, or homes of individuals who are targets of unioneers and their goons?

The all-out drive to force the races to integrate in the United States, as coldblooded and corrupt a conspiracy as any ever concocted in this land, also is being carried out in the sacred name of "national security"—the idea being that unless races are mixed in the United States we will lose friends in Africa and Asia to the Commies.

This shoddy argument is the fruit of a policy of appeasement and abject kowtowing to foreign opinion.

Not only is it undermining American unity in a time of crisis but it also is weakening the structure of the Armed Forces as well, the latest example of this being a race riot at an Air Force radar station at Albuquerque, N. Mex.

What happened there? It is the same situation that develops any place and any time where the races mingle socially. The occasion was an NCO club dance. A Negro airman tried to barge in on a white airman and his date, seated at a table. A fight resulted, and from then on things got out of hand.

Yes, we are on the high road to fascism—by whatever name it's called—on skids greased by the civil righters, the race mixers, and the voracious politicians who profit. Those who disagree with them are being persecuted and jailed for exercising their real rights as U.S. citizens while the do-gooders wail about Bible-toting bums being fined for arrogantly defying and breaking the law.

When you pray, include your country today. It needs it. If you haven't been praying, it's time to start.

Mr. President, as an individual citizen, as well as a Senator, I reecho what this editorial has said: "When you pray, include your country, for it certainly needs help."

ADDRESS BY THE VERY REVEREND E. J. O'DONNELL, S.J.

Mr. DIRKSEN. Mr. President, every year the meeting of the Irish Fellowship Club of Chicago becomes, on the 17th of March, a truly significant event; and every year they have a distinguished speaker. This year the address was de-

livered by the Very Reverend E. J. O'Donnell, president of Marquette University, of Wisconsin. It was a very significant statement, and I ask unanimous consent that it be included in the RECORD as a part of my remarks.

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

THE HARP THAT ONCE AND WILL

(Address delivered by the Very Reverend E. J. O'Donnell, S.J., at the Irish Fellowship Club of Chicago, Mar. 17, 1960)

There are, it seems, many Irelands, including those that don't exist, save in the extraordinary Irish imagination. Most of them, I am sure, have been described at one or other of the 58 previous banquets of the Irish Fellowship Club of Chicago.

I don't know whether the fairies and leprechauns have ever been discussed at these meetings. For a while, I thought this might be an interesting topic for the 59th annual banquet, that is, until I heard of the harrowing experience of a certain American moving picture producer who went to Ireland recently in search of some genuine "little people." He vowed he would never try it again. The producer later summed the whole matter up in the words of an old Irish countrywoman who was asked whether she believed in fairies and who gave the only possible answer, "Of course not, but they're there."

And, indeed they are—like the stories about the snakes and the Scandinavians (from whom, they say, we get most of our faults) and the great wish of St. Patrick that Almighty God would allow him on the last day to judge the Irish because they need such understanding. These stories are, of course, not true, but some among us believe them, and therein lies the hope for our salvation.

The theme of Ireland is a strong one and a sad one, and perhaps it should be recalled—but without the bunting and ribbons and the green with which we bedeck it—for the breath of fresh air it will bring to our world preoccupied by notions of progress, screened from death, if not from life, by a thousand chromium-plated material possessions, and tormented by threats of extinction from the slow corrosion of luxury from within and the manifest challenge of weaponry from without. This land, this Ireland where time stands still and most "getting ahead" is to be done in the next world, may have something to offer us as we seek a new sense of national purpose, a new intellectual commitment, a new spiritual dedication, worldly so as to reach the measure of the world, and even more truly divine to answer the world's needs.

We all know that poet Thomas Moore's song about his native land, "The Harp That Once Through Tara's Halls":

"The harp that once through Tara's Halls
The soul of music shed,
Now hangs as mute as Tara's walls
As if that soul were fled.
So sleeps the pride of former days
So glory's thrill is o'er,
And hearts that once beat high for praise,
Now feel that pulse no more."

We all remember that song, which we have sung or heard all our lives. Its threnody pursues us, and perhaps deludes us into an appreciation that is false and beguiling. There was a time, even in our remembrance, wherein in a happy and holy ignorance, or in order to keep our spirits up as we sailed away from the gibbets and jails of our land, we boasted of how great we were and how we could put down those sent against us with our fists and shillelaghs. But really, then, these were whistles past the graveyard putting a bold face on sorrow as in those heart-rending songs of immigrations, the songs like "Off to Philadelphia" which our forebears sang as they faced the wild Atlantic and the heaving mystery of the crossing in the worse than cattleboats.

Yet, there was a time when Ireland was the miracle of the world. When the harp sang through Tara's Halls not a threnody but a paean of praise to the wandering Irishmen who set their stamps upon the western world and brought civilization back where it had gone under with the fall of Rome and into regions, the lands of the men of the north, where it had never been.

Iceland they colonized, so that when the Norsemen reached there in the seventh century they were to find the island Christian and dotted with the beehive shaped cells of the Irish monks. The Welsh, in Bangor and Chester, knew them well, and most of all, perhaps, the Scots learned of their quality through the genius of Columban from his new home on Iona Isle. The place names in Brittany today attest to the virtue and vigor of these Irishmen, who brought learning and a good way of life that were completely original to this great province of France. There is barely a town in Brittany that does not claim an Irish Saint for patron, among them St. Malo, the disciple of that most seaworthy of the Irish saints, Brendan, the navigator. Paris is circled by a wreath of towns bearing Irish names and in 1639 a professor of Louvain claimed for Belgium in her early days of Christianity 40 saints, men and women, from Ireland. While the bold, roaming men from Ireland were planting civilization like crosses all over the west of Europe and north into Scandinavia and south into Spain, giving an Irish lilt and twist forever to these nations, the most notable of them all, Brendan, was ploughing the seas to Hy-Brasil. The rich legends about the saint are so full of joy and terror, of his discovery of this land of ours centuries before a Scandinavian, of his church service on the back of a whale, thinking it to be an island, of his colloquium with Judas chained to a rock on the high seas somewhere off Long Island. All these great tales, wonders and travels come from the heart and the mind of one man, Patrick, whose feast we celebrate today.

It is pleasant, endearing to think of him as we see him in the pictures in the churches and the homes with his foot on the serpent, his crosier in one hand and the shamrock in the other, his white beard waving in the breeze as he excoriates and blesses the Irish Nation. But he was much more than his traditional figure of piety. He was, in fact, one of the great leaders of the West, greater than Charlemagne, Roland, or Don John of Austria. Rustled from his home in Wales and brought as a slave to Ireland, he grew up learning Gaelic and tending swine; his master a wizard, one of the Druids. From childhood through youth and early manhood with the blue-green mountains of Mourne behind him, he learned to love that land in a way that only a great soul could encompass. Eventually, this young Briton won his freedom and returned to where his lovely home had been; nothing was there but dust and ashes.

His father, a Romano-Celt, had gone down to disaster when the last of the legions fell back on Rome. And fall back to it did Patrick, to Europe to St. Martin's Abbey in Tours, and under the guidance of the great St. Germaine, he became a man of note in the church, the only coalescence left in Europe at that time. Now all the time he had been growing in wisdom and grace and learning, the story goes—and there are many stories of Patrick, far more in German and French scholarly journals than Irish popular tales—he was disturbed in his sleep by a babel of sound and a muddle of face.

But when he had become a full man in his prime, one night as he was sleeping, the sound and face came back to him, but now there was no more babel but the voice of Ireland, and instead of muddle there was the face of the Gael crying, "Patrick, come back to Ireland." And he arose and went to see the Holy Father, Pope St. Celestine I, and told him that he was off to Ireland, a hazardous task in those days when Ireland was the end of the world. Yet he made the journey with some dauntless companions and fifteen hundred and more years ago he brought to the assembled high king and lords of Ireland with their Druids, wizards, and fighting men the lessons of the solicitude of created love and the exacting promises of the redemption.

What Patrick accomplished was unique in the history of western Christendom, for as Daniel-Rops of the Academie Française, Dubois, Masseron and le Brach have pointed out, he did what had never been done before. He showed that the Greek-Roman Civilization that is the civilization of the West was meant not only for the lands that were territorially bounded by Greece and Rome or by those lands that they had subjugated but was for the whole wide world. Thanks to the tireless scholarship and wisdom of the German and French patrician exegetes of our day, we are only just beginning to understand the full significance of this grand and glorious plan and indeed to realize it on a scale comparable to that which Patrick envisioned.

For Patrick's Ireland was darker and more mysterious than Africa is today, than is Siam or the Pleiades. Yet Patrick made of Ireland a western nation, brought its people from the jungle of their wizard beliefs against the wills of their witch doctors, the Druids. By his sermons and incessant missionary effort he succeeded without a blow being struck in substituting Christianity for the old pagan Celtic religion. He made the great experiment that our way of life, in which even then were the seeds of our present democracy and legal development, was not only destined for the elect of Greece and Rome, but could be adapted and embraced by all peoples into their own substance and given a fresh force and vitality as the Irish gave to Christianity. Patrick did this by Irish means. He took what was available to show how good was his way, like the humble three-leafed plant, the Shamrock on the Rock of Cashel, whereby he taught the doctrine of the Trinity.

This, I think, is a lesson we can learn from Patrick today that the harp that once, and the harp I speak of is more than a harp, it is the symbol of Ireland itself, will once again sound through the world a clarion cry, the deep cry that once pushed back the dark from the world in times that were darker than these. This call transcends race or nation and has nothing to do with those murky calls to race that have led us in the century to such grave tragedy and horror. To be Irish is but to possess a state of mind, a strong feeling of religion and the supernatural, a recognition of tragedy, sorrow, and death as man's lot, and never very far away at that. In the true Irish spirit there is no turning away from the great concerns of humanity, no deadening of the human sympathies which keep reason and imagination alert. Through Patrick, God has piled up in our hands the means, the gifts of grace, to solve the grave problems of our lifetime. But we must awaken our sleeping powers in order that, imbued with the Christian ideology and the Christian spirit, we may through our personal and corporate efforts and with a resolution worthy of the great apostle of Ireland, achieve the Christian dedication in its essential form.

It is upon this theme, I think, of hope for the future and reflection of the past that

we can best honor Patrick whose festival we celebrate today. We stand on the threshold of an age, fraught as his was, with great perils and dangers to the church and state. At stake today is not only the preservation of the West against the incursion of the foe, but the winning or the losing of the uncommitted nations of the world which lie beyond the barricades of our way of life and of our institutions. By calling up the memory of Patrick and his Ireland as we have done here tonight, we also call upon him to inspire us to respond with new vigor and generosity to the requirements of our citizenship, our faith, and our Christian life. That this case of ours may be heard by every member of the Irish Fellowship Club of Chicago, is the dearest blessing and best wish I can bring you.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief 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.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up the nomination on the Executive Calendar under "New Report."

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

EXECUTIVE MESSAGES REFERRED

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

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

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar under "New Report."

AN ASSISTANT POSTMASTER GENERAL

The Chief Clerk read the nomination of Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

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

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified immediately of the nomination confirmed.

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

LEGISLATIVE SESSION

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

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

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KEFAUVER. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. DIRKSEN. Mr. President, we will renew the suggestion of the absence of a quorum later. We have a little morning business.

Mr. KEFAUVER. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, further proceedings under the quorum call will be dispensed with.

AMBASSADOR WIGGLESWORTH SPEAKS ON CANADIAN-AMERICAN INTERDEPENDENCE

Mr. KEATING. Mr. President, the close bonds of friendship and cooperation which exist between the United States and Canada are a source of pride to citizens of both countries. This interdependence was recently discussed in a most interesting address by our Ambassador to Canada, Richard B. Wigglesworth.

Speaking before the Massena (N.Y.) Chamber of Commerce, Ambassador Wigglesworth pointed up the practical and equitable manner in which these two neighbors work together for common goals and to solve mutual problems. He noted that relations between Canada and the United States "should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common."

Mr. President, the recent resurgence of interest in bettering relations between Canada and the United States is particularly gratifying to the people of my State because of our longstanding close ties of friendship with our neighbors to the north. Just because our dealings with Canada have always been so amicable is no reason to take them for granted or to overlook the need for treating that country as an equal partner in our cooperative ventures. We must always recognize the pride and independence with which Canadians regard their status and their standing in the world community.

A moving force in improving and strengthening Canadian-American relations has been the work of my good friend, Dick Wigglesworth. Having known him for many years in the House of Representatives, I am not surprised at the effective and able manner in which he is representing us in Canada. I have seen him in action there and can testify personally to the fine job he is doing as Ambassador.

Mr. President, in order that a wider readership may be benefited from Ambassador Wigglesworth's interesting exposition of Canadian-American interdependence, I ask unanimous consent that his recent address in Massena be printed in the RECORD.

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

(Address by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada, Massena, N.Y., March 23, 1960)

CANADIAN-AMERICAN RELATIONS

I. INTRODUCTION

The Massena Chamber of Commerce has been most kind in inviting me to be present this evening, and in giving me an opportunity to discuss with you the state of our relations with Canada. Obviously, Massena is very much interested in what happens in Canada, because of its proximity and because it draws so much electric power from the St. Lawrence Seaway project. For Massena, as for Canada, the Seaway has opened vistas of industrial and commercial development, and the future prosperity of Massena and of other parts of New York State is closely linked with the future prosperity and growth of Canada, your near neighbor to the north.

As you are perhaps aware, I assumed my present responsibilities about 15 months ago. In connection with my duties I have traveled in the past year from Newfoundland to British Columbia, from southern Ontario to the Arctic, for a total of well over 25,000 miles. In the course of my travels I have become acquainted with large numbers of Canadians. I have found certain initial impressions well confirmed, and my high respect for Canada and Canadians has grown steadily.

I am sure that I do not need to tell you much about Canadians, because you live very near to them, and you see a lot of them. You know as well as I that they are fine and friendly people, warmhearted and hospitable to strangers, and undaunted by the problems of developing a thriving country in the midst of what is sometimes a climatically hostile and difficult environment. They work hard, and they have accomplished great things in achieving national unity amid local diversity, always guided by the principles of representative government and a strong sense of dignified independence.

You no doubt are familiar with work done by Canadian organizations, both public and private, in the construction of the St. Lawrence Seaway. I am sure that the organizational efficiency of Canada was apparent in this great venture, as it is in other fields. In my position in Ottawa I have an opportunity to observe the Canadian Government at work. I have always admired the high level of ability in the Canadian Government. Within the past year or so I have become impressed anew by the competence and diligence of Canadian ministers and officials, and by the effectiveness with which Canadians handle their affairs, both domestic and international. The Canadians have a very fine civil service, which has been successful in attracting to it people of a very high level of talent. Canadian political life offers many opportunities for leadership to people from all parts of Canada and from all types of background.

Again to touch on matters which are pretty obvious, Canada has made tremendous economic progress in the past 25 years. Its gross national product has increased 800 percent; it has become the fourth most important nation in international trade in the

world; it has played an increasingly important role in international economic and political affairs. Canada has tremendous future possibilities in the development of its resources. It has a huge territory and a relatively small population which, however, is growing rapidly. Canada attracts investment at a high rate and is steadly forging ahead to improve the standard of living of its people, now second only to that of the United States. We tend to forget, perhaps, how vast is Canada's territory—six of the Provinces are larger than Texas, which we all know is a land without observable limits.

Americans often do not appreciate the very close and continuing interdependence of Canada and the United States, although I am sure that you in Massena, close to the Canadian border, need no proof of this fact. Our two countries are tremendously important to each other. They do more trading with each other than with any other countries in the world. Canadians use more American goods than any other people, and we are Canada's best customer. This trade between our two countries is, of course conducted by private citizens acting in their own interest in accordance with their judgment of commercial prospects. Very little trade occurs for sentimental reasons, but interdependence is not necessarily based on sentiment, although in the case of Canada and the United States there is a strong friendly sentiment and a habit of doing business in accordance with the same high standards.

Canada's recent extraordinary growth and economic development is attributable in large part to the investment of private funds from the United States in mining, oil, and gas, manufacturing, services, and trade. The Canadian economy is growing rapidly, and it imports more goods and services than it exports, thus incurring a balance of payments deficit. This deficit is, in fact, covered by a continued flow of capital funds from the United States to Canada for investment or for lending.

Some Canadians worry about this because they do not like the idea that their country is so to speak in debt to another country on so large a scale. But when they think further about the matter they realize that the capital makes Canada grow, and provides new employment and other opportunities for Canadians, without interfering in any way in the internal or domestic society of Canada. Consequently Canada remains receptive to new investment and offers good opportunities to the American investor.

Most Americans know that a good deal of American money is invested in Canada, but they may not know that a good deal of Canadian money is invested in the United States. On a per capita basis Canadians invest more in the United States than Americans do in Canada. Canadian savings are frequently directed into American securities, some of them representing equities in both the United States and Canada. And I do not need to tell the people in northern New York State that Canadian firms have subsidiaries in the United States. The Loblaw sign is not unfamiliar to people here, and Massey-Ferguson farm equipment and Moore business forms are also well known.

The main point about investment is that we have in our two countries a common market for investment funds, and these funds move freely from one country to the other depending on the judgment of the investor. This is usually made without much reference to national boundaries, and the investor makes no distinction in his mind between investment in one country or the other in terms of the nature or attitude of its government.

Canadian-American interdependence in trade and investment is closely paralleled by interdependence in defense. In the air age, national boundaries are quickly crossed, and the basic hostility of the Soviet Communist world toward the free world requires appropriate mutual security arrangements with each nation contributing to the common defense. Canada and the United States are allies in the North Atlantic Treaty Organization, or NATO, and are closely linked bilaterally by the North American Air Defense Command, or Norad. In NATO the Canadians and the United States share their defense problems with their European and other North Atlantic allies. In Norad the Canadians and the United States have an integrated air defense system in which a combination of Canadian and U.S. officers are in command over all forms of air defense, and in which our planes and Canadian planes fly wing to wing in unity. The commander of Norad is an American, General Kuter. His deputy is a Canadian, Air Marshal Slemon. When General Kuter is at headquarters, RCAF units in Norad are under U.S. command, and when General Kuter is away—as his duties often require—USAF units are under the command of a Canadian.

This is as it should be, because only through unity in the face of aggression can we maintain our separate national lives and independence.

II

In an interdependent environment in economic and defense affairs, the relations between the two governments ought to be good. I am glad to be able to tell you that they are fundamentally healthy, steadily improving, and moving in the right direction. I do not wish to give you the impression that good relations are automatic or easy. The two countries are interdependent, but they also compete. For example, both countries sell wheat on world markets. There is competition in metals, petroleum, other fuels, and in manufactured goods. There are instances where people on one side of the boundary wish to use certain natural resources to their own advantage, and possibly to the disadvantage of people on the other side of the boundary. Care and attention to relations is essential if fair dealing, cooperation, and understanding are to be achieved.

We have an elaborate set of arrangements for keeping the two governments and peoples in touch with each other, and we are constantly seeking new ways of improving understanding and of finding solutions to problems as they develop. The Canadians have an able and effective Embassy in Washington, headed by a distinguished Canadian, Ambassador Arnold Heeney. Through this channel the Canadian Government can bring directly to the attention of the U.S. Government its views on any problem. Our Embassy in Ottawa is constantly in touch with various departments of the Canadian Government. Our 11 consulates in Canada, from St. John's to Vancouver, are there to represent the United States in dealing with the problems of individual Americans or Canadians, and in handling commercial and other types of representation.

In addition to the normal diplomatic and consular channels, there are certain special joint boards and commissions which handle business between the two countries. There is the International Joint Commission which is responsible for dealing with problems of water and waterways along the boundary. Over the years the International Joint Commission has painstakingly and carefully solved many knotty and difficult problems relating to the use of water resources which our countries cannot help but share as a result of our geographical environment.

We also have a Joint Board on Defense which exists to resolve many detailed problems of defense relationships. This is supplemented by an extensive interchange of officers from the armed services of both countries and by special armed forces missions.

A new type of arrangement was established at the suggestion of President Eisenhower in 1953. At that time it was agreed to set up a Joint Canadian-United States Committee on Trade and Economic Affairs. It was to consist of the Ministers of External Affairs, Finance, Trade, and Commerce, and Agriculture on the Canadian side, and of the Secretaries of State, Treasury, Agriculture, and Commerce on the United States side. This committee meets periodically. The last session was in Washington in the middle of February, and the immediately preceding session was in Ottawa a year ago January. I had the privilege of attending both of these sessions, and I can give direct testimony on the usefulness of this committee as a means for establishing close personal relationship between high level officers of the two Governments. Out of this can grow a clear and reciprocal understanding, a great tolerance, and determination to work cooperatively. The Committee on Economic Affairs is paralleled by a newer committee established when President Eisenhower was in Ottawa in July 1958. This is the Joint Cabinet Committee on Defense, and it considers at a Cabinet level a number of the important defense problems which our two countries face. The last session of this committee took place in Washington at Camp David during the autumn, and again I am able to give direct testimony on how useful and effective this committee is for developing common understanding and effective working relationships between the two countries.

In 1958 two Members of the U.S. House of Representatives, Brooks Hays, of Arkansas, and FRANK COFFIN, of Maine, made two tours across Canada discussing with leaders of Government, industry, and labor all sorts of questions arising out of Canadian-American relations. One of the recommendations in their first report called for personal visits to each country by members of the National Legislature of the other. Out of this grew the Canadian-United States Interparliamentary Group, which has met twice, and which is now scheduled to meet this spring. A typical meeting consists of a visit to Washington by a group of the Members of the Canadian Parliament, selected to give broad representation politically and geographically. In Washington they meet a selected group of Members of the U.S. Congress, and they have an opportunity to discuss common problems and to compare notes on the operations of the two Legislatures and on a variety of international and domestic questions. I was present at Montreal and Ottawa when Members of the American Congress came to visit the Canadians and again I can assure you of the importance of these contacts, both official and unofficial, as a means of increasing understanding and promoting cooperation.

The Financial Post of Toronto has called the permanent establishment of this Interparliamentary Group "one of the outstanding actions of the 1959 session of Congress" and given it great credit for improved relations.

But it is not only in Government channels that we find increased means for promoting close contact between the two peoples. In recent years a new institution has appeared on the horizon. This is the Canadian-American Committee which is made up of business, labor, and farm leaders on both sides of the boundary. Many distinguished Americans and Canadians are members of this committee. It has a staff which prepares studies on questions important to our two economies. It has done much to contribute to public understanding of problems, and of attitudes in both

countries concerning such important questions as oil and gas, wheat, and the Columbia River.

In addition to such contacts between Governments, Legislatures, and private groups, there are of course countless professional organizations which have members in both countries, or which are in close contact with each other, so that in almost any field of endeavor Canadians and their American counterparts share common experiences. Many of the most important labor unions are in fact international unions and have Canadian units which are quite autonomous and independent, but which are nevertheless finding increased strength through unity with workers in the same trade in the United States.

III

Against this background of organizational relationships, and in the context of a very high level of interdependence, I should perhaps mention a few of the questions which have received attention by the two Governments, and which have sometimes appeared to be problems between us. An outstanding example is wheat. Both countries produce more wheat than they can sell, and the United States has adopted certain kinds of disposal on easy terms. Canadians have objected in the past because they were afraid that such noncommercial disposal would injure their commercial markets and the sale of wheat is very much more important to the Canadian economy as a whole than it is to that of the United States. We have carefully modified our disposal methods in the United States and have made sure that we do not injure commercial markets. We still are able to dispose of large quantities of wheat for humanitarian purposes, on easy terms, but we do this with the tacit consent of the Canadians as a result of a system of consultation. The press release following the Cabinet committee meeting in February reflected a fine level of understanding between the two Governments.

The sale of energy from one country to the other sometimes produces problems. In Massena you have large supplies of electric power derived from the seaway project. Other parts of the United States also benefit from such hydropower. Other forms of energy such as oil and gas have more recently entered the economic picture in Canadian-American relations. Tremendous development of oil and gas fields in Alberta and Saskatchewan has occurred in recent years, and is a major factor in trade between the two countries. In the spring of 1959 the United States exempted Canadian oil from import restrictions and the reaction of the Canadian Government and industry was very favorable. The exemption of Canadian oil from import restrictions reflected the importance which these supplies might have to us in time of emergency as well as the fact that they normally flow into markets which are essentially not available to domestically produced oil.

At the moment questions of the movement of natural gas from Canada to the United States are being considered by the Federal Power Commission in Washington and the National Energy Board in Ottawa. It is to be hoped that mutually satisfactory arrangements can be worked out for the best possible utilization of these great resources. Canadians have been in the past disturbed over restrictions which the United States has imposed on the importation of lead and zinc. As I am sure you are aware, the lead and zinc industry in the United States has had serious troubles for the past several years, and the U.S. Government tried a number of measures to alleviate this distress. The effort was always to find means which did not involve restrictions on imports from friendly countries such as Canada, Mexico, and Peru, but finally the United States found it necessary to impose import quotas. These quotas have not been particularly harmful in their application to Canada, but the Canadian Government has understandably been disturbed over the principle of U.S. quotas on this type of import. The quotas were imposed and Canada has continued to sell substantial quantities of lead and zinc in the United States and continued contact between the Governments in this connection tends to promote better understanding if not complete agreement.

Both countries maintain systems of government support for agriculture. In both cases the support of domestic agriculture sometimes makes it necessary to establish restrictions against agricultural imports. Thus Canada has maintained import restrictions, for example, on turkeys from the United States, so as to assure the successful development of its own turkey support program. The United States has maintained limitations on the import of flaxseed, linseed oil, and cheddar cheese, for example, for the same reasons. The Canadians have recently started a system of deficiency payments on eggs and hogs, and careful consideration between our two Departments of Agriculture has minimized the impact of these programs on our international trade. Thus the two Governments understand each other pretty well on such questions, even though they do not always see eye to eye on the precise solutions. Again in this field I can assure you relations are good and are improving.

A current problem of considerable importance is the question of the development of the Columbia River Basin. This is actually and potentially a tremendous resource for western Canada as well as for the northwestern part of the United States. Arriving at an agreement as to the best way to use the resources of the Columbia River Basin to benefit both countries and to avoid damage to either is extremely complicated and difficult. Negotiations are now under way, and no one expects them to be easy. Nevertheless with good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found.

This catalog of problems which we consider bilaterally with Canada may distort the basic perspective if I do not touch on a few other matters as well. A great deal of our business with the Canadian Government deals with problems which both our countries face in the world overseas. If you look, for example, at the press release issued after the Joint Cabinet Committee meeting in Washington in February you will find that the Canadian Ministers and the American Cabinet officers spent a good part of their time in this field. They discussed questions of European trade; the principle of international trade expressed in GATT, or the General Agreement on Tariffs and Trade, to which both Canada and the United States subscribe; and questions of economic aid for underdeveloped countries, an area in which both our countries have programs. You will find in the press release a reference to consideration of problems caused for both countries by the economic activities of the Soviet bloc.

Thus a proper view of Canadian-American relations must encompass the problems which we consider together, problems which we face in other parts of the world. These problems do not separate us; rather they bring us together, because our interests and our objectives and our policies are parallel. Both countries want a world in which trade may occur without discrimination and in accordance with sound economics. Both countries want effective programs of aid for underdeveloped areas. Both countries are disturbed over the threat to the economy and peoples of the free world represented by the state monopoly system of the U.S.S.R. Both countries need each other in terms of mutual security and defense.

IV. CONCLUSION

I have tried to convey some sense of the enormously complicated range of topics with which the Canadian and United States Governments have to deal. I have tried to note the numerous channels and instrumentalities through which it is possible for our two peoples to communicate. We cannot, of course, expect to have all problems quickly and easily settled, nor can we expect to find a time when there are no outstanding problems between the two countries. They occur in the best families. The main point is to emphasize that most problems are solved, in a practical and equitable fashion. When there is a will on both sides to examine any question and to discuss it with a view to finding a mutually satisfactory answer, then close and good relations between the two governments and a spirit of cooperation will prevail. Relations between Canada and the United States should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common.

As the Washington Post said after the Cabinet Committee meeting in February, the signal improvement in Canadian-American relations resulted in little page 1 news. This, said the Post, reflected a fundamental awakening on the part of the United States to a record of some neglect of our relations with Canada. The editorial concluded:

"The Joint Cabinet-level meetings initiated by President Eisenhower are at last bearing fruit and they ought to become a permanent feature of Canadian-American relations."

When President Eisenhower visited Ottawa a year or so ago he said: "By mutual respect, understanding, and with good will we can find solutions to any problems which exist or which may arise between us." Here is the key to good Canadian-United States relations.

Thank you for this opportunity to talk with you.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection is is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

RURAL DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE

Mr. BENNETT. Mr. President, one of the soundest and most promising farm programs instituted during recent years, and one which is unfortunately receiving far less public attention than it deserves, is the rural development program.

Everyone knows that during the past several decades there has been a migration from farm to city. This has created some serious problems in many areas, and to cope with these problems Secretary Benson began this program in 1955. Since that time it has done an outstanding job of aiding these rural farming areas in making necessary economic readjustments.

The rural development program provides for Federal-State-local cooperation designed to promote and encourage the economic development of low-income counties. The program is now going forward in 30 States, including some 200 counties. The specific aims of the program as outlined by Secretary Benson are: First, to expand industry and widen the range of off-farm jobs in areas with many small, low-production farms; second, to help families having the desire and ability to stay in farming gain necessary land, tools, and skills; and, third, to help younger rural people obtain adequate education and, especially, improved job skills.

The program has been implemented within the framework of existing agricultural and other agencies, and it has not required the establishment of a new agency. The added financial burden to the Department of Agriculture is slight.

The rural development program is administered at the county level by a committee of citizen volunteers. Such committees draw on experts from farming and marketing, industry, welfare, and education. The committees work under the general direction of county extension personnel under the existing Extension Service.

This program could well be the answer to the problem we are facing in my own State of Utah, and I am sure in many other States—that is, the large-scale migration of our citizens to the cities, producing dying communities in some of our rural areas.

In Utah, for example, 13 of our 29 counties have lost population since 1950. This has come at a time when our total State population has increased nearly 30 percent. Every one of the Utah counties showing population declines is a rural area.

I am convinced that the greatest hope of salvaging these dying communities is through the rural development program.

As listed above in the aims of the program, one key objective is the promotion of industries and other enterprises in rural areas. Some have expressed concern over the establishment of industry in rural areas because of the possible upsetting effect on community morals and community spirit. But studies show that such concern is unfounded.

The U.S. Department of Agriculture is presently working with State experiment stations on some interesting and important pilot research projects on the industrialization of rural farming communities. These pilot projects are being conducted in five States—Utah, Iowa, Ohio, Louisiana, and Mississippi—and cover 22 counties.

As we all know, industry—both large and small—is now moving into farming communities all over the country to take advantage of abundant manpower and natural resources, especially water and space. We should encourage this trend. Thus, this program of special pilot studies on the impact of industry on rural people and on farming areas generally is most significant. One important phase of the rural development program is to provide technical training to the available manpower in these communities in order to meet the needs of new industry for skilled workers.

I am sure all of my colleagues representing farming States which are experiencing the growing pains of industrialization will be interested in a recent committee for rural development program press release which summarizes the findings of specialists studying the changes resulting from industrial growth in selected rural areas. I am happy to note that one of these studies covers two counties in my own State of Utah—Sanpete and Juab Counties.

These findings, I am happy to say, refute the common misconception that industrialization weakens community spirit and breeds conflicts. On the contrary, according to these studies, industry seems to strengthen the community by placing it on a firmer economic footing.

I ask unanimous consent to insert in the RECORD the press release of the committee for the rural development program which comments on these pilot research projects.

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

Committee for Rural Development Program: Under Secretary, Department of the Interior; Under Secretary, Department of Agriculture (Chairman); Under Secretary, Department of Commerce; Under Secretary, Department of Labor; Under Secretary, Department of Health, Education, and Welfare; Administrator, Small Business Administration; member, Council of Economic Advisers.

USDA studies industry impact in rural areas: What happens when industry moves to the country?

The Agricultural Marketing Service of the U.S. Department of Agriculture is finding the answer through a series of cooperative studies in five representative States, according to Nathan M. Koffsky, Deputy Administrator of the agency.

Mr. Koffsky reported on the project at a meeting today with Under Secretary of Agriculture True D. Morse, Chairman of the Committee for Rural Development Program. The special research project is going forward in connection with this program.

States included are Louisiana, Mississippi, Iowa, Utah, and Ohio. In these five States, studies in selected rural areas with new industrial plants have turned up some significant findings, Mr. Koffsky reported. For example:

Rural people who obtain jobs in the new factories moving into their area are much younger than average residents of employable age. The average factory worker in the areas under study is about 30 years old. This compares with an average of 50 years for heads of farm families in the same area.

Industry also increases the income of many rural people, Mr. Koffsky observed. The living standard of those who find jobs in the new plants has gone up at a faster rate than that of other rural residents. Incomes of plant workers equal, and in many cases exceed, incomes of average families in the same community.

Plant workers were found to be among the leaders in rural community organizations and groups, Mr. Koffsky said. Rural residents who find jobs in local industry continue to take an active part in community and religious affairs, the studies indicate.

About one in four plant workers in areas studied operate farms.

Their farms are usually smaller than the average in the community.

Farmers usually reduce their operations after taking an industry job. Farmers working in plants studied had reduced the number of days they farmed as much as 50 percent, Mr. Koffsky said.

A common misconception that industries have an unfavorable impact on rural areas is not borne out by the studies of the Agricultural Marketing Service.

Almost all rural people working in the new plants and most other residents agreed that industry has benefited their communities. The reason most often given was simple—more money and jobs in the community.

Findings cited by Mr. Koffsky are based on studies already published in the series, plus information now being assembled.

The following reports have been published to date:

"A Study of Plant Workers, Industrialization in Chickasaw County, Miss.," Mississippi State University, Agricultural Experiment Station, Bulletin 566, September 1958.

"Rural Industrialization in a Louisiana Community," Louisiana State University, Agricultural Experiment Station, Bulletin 524, June 1959.

"Industrialization and Rural Life in Two Central Utah Counties" (San Pete and Juab), Utah State University, Agricultural Experiment Station, Bulletin 416.

Copies may be obtained by writing the appropriate agricultural experiment station.

Mr. BENNETT. I also ask permission to have printed in the RECORD, an article which appeared in the February 1960, issue of County Officer, official publication of the National Association of County Officials. This article outlines the operation of the rural development program.

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

[From County Officer, February 1960]

THE RURAL DEVELOPMENT PROGRAM

A little-known national program coordinated by the U.S. Department of Agriculture is beginning to take hold in rural counties around the country and to gain some attention in nonfarm circles.

Called the rural development program, it involves special Federal Government assistance plus local citizen action. The aim is to increase opportunities in rural counties, especially those where low-income groups live.

The program could be a forerunner of new types of Federal-State-local cooperation to promote and encourage long-term economic planning and development.

Thirty States now cooperate with the Department of Agriculture and other Federal departments in the rural development program. Some 200 counties are included. Not all, however, have a full-scale operation under way.

COMBINED EFFORT NEEDED

Blueprint for the program was drawn up in the summer of 1955. At that time, the Department of Agriculture released a report on U.S. low-income farming areas. Briefly, the Department's report stated that a combined farm, industry, and community development effort would be necessary if the problems were to be solved.

Soon after issuance of this report, Federal Government and State agricultural extension officials met to outline cooperative work in a few pilot areas.

However, the usual lag between agency planning and obtaining legislation and appropriations held up the work during the first year or so. Most pilot programs didn't get started at the county level until mid-1957.

Core of rural development program organization at the county level is a committee of citizen volunteers representing various fields—principally farming and marketing, industry, welfare, education. This "resource development committee" receives technical aid and guidance from Government and educational agencies working in the area.

USE COUNTY EXTENSION PERSONNEL

In addition, a big innovation in most program areas is assignment of special county extension personnel to work directly with the resource committee. Salary of these workers is financed entirely by the U.S. Department of Agriculture. In a few States, full-time extension workers employed under the arrangement help coordinate and manage the program on an areawide or statewide basis.

In some local program areas, other Federal and State agencies, such as the Soil Conservation Service, have also assigned technicians to work with development committees.

MAJOR AIMS

In a recent speech before county rural development workers, Secretary Benson outlined the specific aims of the rural development program:

Encouragement of economic family farm units. Thousands of families in these areas still try to make a living on poor soil with poor equipment.

Promotion of industries and other enterprises in rural areas.

Career counseling and vocational training for young people. In some of these low income farming areas, 9 out of 10 farm boys never go into farming as a career.

Zoning and land planning leading to more efficient land use.

Certainly, these are objectives of county governments, planning commissions, education departments, chambers of commerce and similar agencies throughout the country. But in disadvantaged rural communities, problems are often acute, funds severely limited, and public interest small or nonexistent. The rural development program attempts to supply the initiative, drive, and new organization to at least make a start on the solvable problems.

SUCCESSFUL BEGINNING

As an experiment the program has been a success. No doubt, the work has not gotten off the ground in some counties. But in others, local people have taken hold of the idea with genuine interest and enthusiasm. And Government agency representatives have established much closer planning and working relations with them. Secretary Benson calls the record "remarkable in just a few short years in relation to the difficult problems involved."

What is this record?

A recent Department of Agriculture report sums it up as follows: The program "has stimulated more job opportunities, better farming methods, young people's educational and guidance programs, and home and community betterment."

The big question is, of course, how much of this progress would have been made without a rural development program? This is difficult to determine. However, a surprising number of local leaders in rural development counties give the program credit for starting important projects.

A new vegetable marketing center in Bertie County, N.C., is a good example. Businessmen-members of the resource development committee took the lead in forming a company and selling stock to build market and packing facilities. Extension service workers assigned to the program supplied technical information on area market trends. They helped promote interest in the project. They assisted farmers in supplying more of the right kind of produce for the market. All in all, Bertie Countians have put $70,000 into the project. And in 1959 county growers found a ready market for some $140,000 worth of produce.

Makeup of the county resource committees varies from one place to another—the idea being a maximum of flexibility to develop programs that are adapted to local conditions. As a general rule, successful programs have a large measure of local government participation. County officials, interested in this experiment in Federal-State-local cooperation, are working closely with program leaders.

OFFICIAL COUNTY GOVERNMENT PARTICIPATION

County commissioners, county court officials, or other local government representatives annually attend meetings of resource committees, as participants or observers.

In many cases, they've put county funds into the program.

For example, in a Louisiana rural development parish the office and expenses of extension workers assigned to the program are financed through the parish budget.

The health department in an Indiana county supplied its resource committee with a full-time worker to help them make a survey of health problems.

Commissioners in a Florida county authorized the use of county funds to cover expenses of the "rural development office."

AID AVAILABLE—IF

After 2 years of grassroots operation, the rural development program does show that people in disadvantaged, low income rural counties can do a great deal to help themselves if—

They get sound outside technical help in planning and organizing a program.

They face their problems realistically.

They have a few energetic, imaginative, and experienced citizen-leaders.

Federal, State, and local agencies working in the area can develop closer relationships in solving problems that cut across different fields.

The whole experimental project has received too little attention, especially among students of government. Rural development could be a testing ground for new ways of using Federal Government services to help meet fast-changing, often painfully complex local problems; of stimulating economic development while maintaining all-important local initiative and control.

Mr. BENNETT. Only yesterday I received in the mail a Department of Agriculture release indicating that our neighbor to the north has asked two U.S. Agriculture officials to discuss this successful program with a special committee of the Canadian Senate. I ask permission to have this release printed in the RECORD.

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

U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, MARCH 29, 1960

Canadian and United States officials discuss rural development program:

A committee of the Canadian Senate has called on two U.S. Agriculture officials to discuss the cooperative Federal-State rural development program now going forward in 30 States, Under Secretary of Agriculture True D. Morse announced today.

Based on U.S. experience with the program during the past 3 years, the Canadian Government is considering similar work for low income areas in that country.

The two officials—Paul V. Kepner, Deputy Administrator of Federal Extension Service, and Sherman Weiss, resource development specialist with the Wisconsin Extension Service—will meet tomorrow (March 31) in Ottawa with the Special Committee of the Senate on Land Use in Canada.

This committee has been studying the problems of small farmers on low production units in Canada.

Last month the Canadian Minister of Agriculture Douglas F. Harkness in a speech prepared for the National Farm Institute in Des Moines, Iowa, announced that Canada would inaugurate, "a rural development, or redevelopment program," as a major part of its long term agriculture policy.

"The situation in Canada," he said, "is that just over one-third of what were listed as farms in 1951 census showed a cash income of less than $1,200 a year."

At the request of the Canadian Senate Land Use Committee, a delegation of farm specialists met last September in Washington with representatives of U.S. Government departments to review the rural development program in the United States. Later they toured program areas in Kentucky, Wisconsin, Minnesota, Michigan, Maine, Montana, and Washington. The group was headed by Dr. J. F. Booth, Director of the Economics Division of the Canadian Department of Agriculture.

In presenting the report last month to the Canadian Senate committee, Dr. Booth said that the rural development program in the United States had given impetus to solving the problems of low incomes in certain rural areas.

"As our report states," he commented, "the program has galvanized institutions and people into action and has helped to mobilize human and other resources to meet the problem." Commenting on the fact that the rural development process was aided in the United States by a long tradition of Federal-State and local cooperation, Dr. Booth said that this has made its acceptance easier than otherwise would have been the case.

"The rural development program is a means of organizing people in rural areas for a team effort and directing the weight of the whole community behind improvement projects," Dr. Booth said in presenting his report.

The two U.S. agriculture officials, it is expected, will present further data on the program to the committee tomorrow.

As Deputy Administrator of the Federal Extension Service, Mr. Kepner has assisted in national administration of the new program. Mr. Weiss is working as a rural area resource development specialist.

In announcing the meeting with Canadian officials, Under Secretary Morse, who is also chairman of the committee for rural development program, said, "We are, of course, deeply gratified by Dr. Booth's comprehensive report on the rural development program in the United States.

"Dr. Booth and his colleagues visited a variety of U.S. areas participating in this work, talked with local leaders and viewed progress they had made.

"The Canadian Senate committee's request for the counsel of these two officials is further proof of their intense interest in the rural development program.

"Here is a fine example of two good neighbors sharing their knowledge and experience."

The rural development program was started locally in 1956 to promote farm, industry, and community development in U.S.

areas with small low production farms. It is now going forward in some 200 counties and 30 States and Puerto Rico. President Eisenhower in the 1961 budget has asked Congress for more funds which will enable extension of the program to all States.

Mr. BENNETT. Finally, I ask permission to insert a recent statement by President Eisenhower on the Fourth Annual Report of the Rural Development Program.

I urge Congress to lend its support to this excellent program.

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

STATEMENT BY PRESIDENT EISENHOWER ON THE FOURTH ANNUAL REPORT OF THE RURAL DEVELOPMENT PROGRAM

I have received and reviewed the Fourth Annual Report on the Rural Development Program from the Department of Agriculture. The report again indicates progress in aid to small and low-income farm families and other rural people.

The report shows for the year: hundreds of projects to improve farms and farming, new marketing facilities constructed and more profitable market outlets established, forests improved, wood finishing and processing industries expanded, thousands of new jobs due to industry growth, and more income from a variety of other activities.

Activities are spreading beyond the initial pilot or demonstration areas. The program now includes 30 States and Puerto Rico.

This is essentially a peoples program. State and local people agree upon objectives and then move forward together. The programs are managed by State and local area committees—not from Washington. This is as it should be.

Particularly impressive are the initiative, leadership, and hard work of various groups—farm, business, industry, civic, school, church, service clubs, and others.

Existing State and Federal departments and agencies, with their existing authorities and responsibilities, lend their counsel and support. No new agency is required.

To expedite progress, I issued on October 12 Executive Order No. 10847 officially establishing the Committee for Rural Development Program, which has been functioning from the start. The order calls upon the various Federal departments and agencies to make the fullest possible contributions to area development programs and related activities.

The program is hitting at areas of greatest need. As the report states, 80 percent of farm families in typical rural development counties have yearly farm sales valued at $2,500 or less. Most farms in these communities gain little, if any, benefit from governmental farm price-support activities.

Major emphasis has been placed on the future of rural youth through vocational training, new education courses, stay-in-school, and education beyond the high school.

This program is successfully attacking the age-old and chronic problem of low incomes in widespread rural areas where there are fine farm families on small farms and poor soils. Rural families of such areas—nonfarm and farm alike—need, and we are determined must have, more adequate incomes and greater opportunities.

INDEMNITY PAYMENTS TO CRANBERRY GROWERS

Mr. WILEY. Mr. President, I was extremely gratified last evening to hear the announcement made by the White House that the Department of Agriculture will offer to make indemnity payments to cranberry growers who—through no fault of their own—sustained losses on berries harvested in 1959.

Most of us recall the unfortunate situation which occurred last November when lots of cranberries containing residues of the chemical weedkiller, aminotriazole, were seized by the Food and Drug Administration, resulting in a serious impairment to the cranberry market. My own State of Wisconsin, responsible for approximately one-third the Nation's supply of this excellent and healthful fruit, was forced to dump almost 150,000 barrels of cranberries due to the destruction of the public's confidence in this traditional holiday food shortly before Thanksgiving last year. Retail and wholesale outlets all over the Nation, including military establishments, temporarily tied up all cranberry products, and an economic effect was felt by the industry which could well carry over for several years.

In order to attempt to correct, as speedily as possible, an injustice to the vast majority of cranberry growers who had not used the chemical weedkiller, or had used it according to instructions issued by the Department of Agriculture—and in order to thoroughly safeguard the health of the public—I was happy to immediately confer with the Secretary of Health, Education, and Welfare; as well as representatives of the cranberry industry. Fortunately, we were able to complete arrangements for a prompt program of certification and testing of cranberries so that lots were cleared in time for the Thanksgiving table.

At this point, I would like to heartily commend the fine efforts which were made by the Department of Agriculture in a valiant attempt to restore consumer confidence in the product and to assure the wholesomeness of all cranberries offered to the public. Later, in January, 3-percent loans from the President's emergency revolving fund were made available by the Department to cranberry growers who suffered losses as a result of this crisis in the industry.

Now, after the exploration of various alternative methods to assist our Nation's growers, this indemnification procedure has been chosen as the only satisfactory approach and has been found to be legally appropriate by the Comptroller General of the United States. Payments to the growers will approximate $8 per barrel of cleaned, marketable cranberries and will be made pursuant to the authority conferred by section 32 of Public Law 320, of the 74th Congress, as amended. Details of this offer to make such payments are expected to be forthcoming from the Department of Agriculture shortly.

I believe that this is another constructive step toward resolving the problem of our many thousands of cranberry growers across the Nation who have suffered as a result of the impairment to their market. In addition, I would urge—and sincerely hope—that continuing efforts be made to restore the public's confidence so that the American housewife will not hesitate to unreservedly serve this delectable item on her family table.

THE POLARIS PROGRAM

Mr. SCOTT. Mr. President, 2 days ago a recently resigned official of a company which makes Polaris missile-firing submarines under contract with the United States—Mr. Thomas G. Lanphier, Jr.—made a speech at the National Press Club, in Washington, D.C.; and in the course of the speech he made an assertion which should cause great concern if it were accurate.

I now read the press account:

POLARIS SUB SEEN 2 YEARS AWAY—LANPHIER CONTRADICTS DEFENSE DEPARTMENT'S WORD

(By Howard Norton)

WASHINGTON, March 29.—A recently resigned official of the company that makes the Polaris missile-firing submarines declared here today that the first of these superweapons will not be in operation for at least 2 more years.

This is a flat contradiction of the Defense Department's repeated testimony in Congress that it expects to have possibly three Polaris subs in the U.S. fleet before the end of this year.

ATTACKS EISENHOWER

The same civilian official—Thomas G. Lanphier, Jr.—whose former employer also makes the Atlas intercontinental ballistic missile, charged that Russia's missile lead over the United States now is several times greater than the 3-to-1 ratio advertised by the Defense Department.

Lanphier resigned a $60,000-a-year job as vice president of the Convair Division of the General Dynamics Corp. so he would be free to speak his mind.

And he spoke his mind today in a speech to a National Press Club luncheon.

He accused President Eisenhower of leading the Nation incompetently for the last 3 years to a point where we are in jeopardy of our national life.

UNFAIR OF PRESIDENT

Lanphier said it was "unfair of the President" to select two former Secretaries of Defense, Charles Wilson and Neil McElroy, for the post.

He said: "Wilson by his lack of recognitions of the bursting power of science * * * was a detriment to our defense effort," and McElroy was "simply lazy."

"I believe President Eisenhower to be an honorable, well-intentioned and amiable man, historically deserving of America's homage for services rendered in other years and other wars," Lanphier said.

OUT OF TEMPO

"I also believe him to be mortal, fallible, and culpable, if he has not competently led us to this point in history. And I do not think he has.

"Generally, I believe he has listened to the drums of a bygone day—out of tempo with the space age."

He told an audience of about 300 that many business leaders, as well as military leaders, know all these facts but are unable to speak out for fear of being called munitions mongers.

He added: "Critics in uniform, like Generals Ridgway, Gavin, Medaris, Taylor, and, perhaps, Admiral Carney, find themselves undecorated casualties of a war their fellow citizens don't even recognize. And officers like LeMay, Hayward, Shriever, and Power, while not yet casualties, certainly must be listed among the walking wounded."

PREFERS SYMINGTON

He said he quit his job voluntarily because his outspoken criticism was causing some nervousness within his firm.

In reply to questions, he declared his favorite presidential candidate to be Senator

SYMINGTON, Democrat, of Missouri, because he feels SYMINGTON can give the country the kind of Defense Establishment it needs.

He denied that he is an advance man for SYMINGTON, or has any connection with the Missouri Senator's presidential campaign organization.

But he said that if SYMINGTON should ask him to help, he would be more than glad to do so.

Lanphier was Symington's assistant when the Senator was Secretary of the Air Force in the Truman administration. He also was a World War II Air Force pilot.

He told the Press Club group that defense spending should be boosted by $4 billion to $5 billion in the next budget, and $8 billion to $10 billion in the following one, if the United States is to regain its power.

VIEWS TITAN MISSILE

Lanphier gave it as his view that the Titan missile, made by the Martin Co., will be as effective as the Atlas when it is perfected, but said it was about a year behind the Atlas.

He pictured the more mobile ICBM's—the Polaris and the Minuteman—as "highly desirable when they are finally available," but insisted their performance would be limited so long as the United States restricts itself from underground testing.

Then he added:

"These mobile systems will not, by the way, be operational at the early dates advertised for them.

"For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned target, will be operational this year, barely 4 years after acceleration—is well known to Soviet and American missile professionals to be optimistic by at least 2 years."

Lanphier charged that in estimating the Soviet missile strength, the Americans have been using the U.S. "peacetime rate of effort or less" as a basis "with resultant intelligence estimates far lower than hardheaded logic should give the enemy."

Lanphier said that McElroy last year "downgraded Soviet production and operational training capabilities to a degree startling to any professional in the missile business."

He referred specifically to McElroy's estimate that the Russians would have this year and for the next 2 years only three times as many ICBM's as the United States.

"It is more likely," Lanphier declared, "their lead in ICBM's this year is several times a ratio of 3 to 1.

"It could well exceed the 160 ICBM's Gen. Thomas S. Power has conservatively estimated is all they need to wipe out our Strategic Air Command."

Lanphier said he intends to go around the country for the next few months repeating this story to all who will listen.

Upon learning of that statement, Mr. President, it seemed to me to be incredible, inasmuch as earlier I had received information from the highest possible naval sources as to the correctness of the timing of the availability and the operational conditions of the Polaris missile.

This morning I made a request of the Navy Department. I have now received a report which constitutes a complete refutation of Mr. Lanphier's statement; and, in my judgment, Mr. Lanphier's statement can be justifed only either by ignorance of the facts or unwillingness to face them; or possibly because of his assumption that the development of the Polaris would take longer than it did, he cannot believe that it took as short a time as it did to enter the operational phase.

At a naval briefing, I requested information of the Navy; and I am now in receipt of the following statement:

To: Senator SCOTT.
Subject: Polaris information.

1. As directed, the Polaris information you requested this morning after the briefing follows: I have arranged it as facts bearing on each of Mr. Lanphier's pertinent statements:

Statement: "These mobile systems (Polaris and Minuteman) will not, by the way, be operational at the early dates advertised for them. For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned targets, will be operational this year, barely 4 years after acceleration, is well known by Soviet and American missile professionals to be optimistic by at least 2 years."

Facts: (a) The first Polaris submarine, the *George Washington*, was commissioned on December 30, 1959, and has been operating with a full Navy crew since, undergoing basic training and final checkout of the ship and all of her equipment. No problems which will interfere with the planned operational date (late 1960) have been encountered.

The second Polaris submarine, the *Patrick Henry*, will be commissioned April 9, 1960. Her regular Navy crew has been organized and with the ship in New London since December 28, 1959. This crew has taken the ship to sea several times during builder's trials. All phases of *Patrick Henry's* progress are on schedule and no problems have been encountered which will interfere with the planned operational date (late 1960).

The Naval Weapons Annex, at Charleston, S.C., which has been specifically designed for missile support to Polaris submarines, was commissioned and became operational on March 29, 1960.

The submarine tender U.S.S. *Proteus* which has been redesigned and configured specifically for support of Polaris submarines will be recommissioned in June 1960 and will be operational in time for deployment in late 1960. This tender will be capable of supporting the first squadron (nine ships) of Polaris submarines.

Sixteen fully ready Polaris missiles, armed with nuclear warheads, will be available for loading on each Polaris submarine as it becomes operational. Ten out of the last eleven flight tests of the missile have been fully successful. Of the missiles which have been inertially guided to the impact point, accuracies have been well within design specifications. (Exact accuracy figures are classified.)

The designed flexibility of the missile and its fire control system coupled with the inherent mobility and relative invulnerability of the submerged submarine permits target assignment to be made and changed without delay as the current strategic situation dictates.

Mr. President, in conclusion let me say that two Navy Polaris submarines will be operational, with full crews, with full warhead and other military equipment, and will be available at sea to direct nuclear warhead missiles at any given target, as demanded by any crisis or emergency. Each of those two or three dozen missiles—half in each submarine—packs a capacity for destruction very, very much greater—infinitely greater—than the explosive power of the Hiroshima bomb and the Nagasaki bomb, combined. I may state that the exact power is a classified matter. So, Mr. President, to say that the Polaris submarine will not be operational for at least 2 years, in the face of the fact that two subs carrying between them a total of two or three dozen of such missiles, with such awesome power, will so soon be ready, makes one wonder exactly what Mr. Lanphier is getting at, why he persists in making inaccurate statements, why he does not bother to find out for himself the correct facts, and, in fact, why Mr. Lanphier is so active in clouding up and raining all over this issue.

HOW THE GREAT GUEST CAME

Mr. BYRD of West Virginia. Mr. President, Henry van Dyke once wrote a moving and unforgettable story "The Story of the Other Wise Man." It was about Artaban, the fourth wise man, who reached Bethlehem too late to pay homage to the Christ child, but who devoted the rest of his life to searching for Him. Arteban finally gave away all of the gifts he intended for the Son of God to the sons of men, but always for the benefit of the sick, the needy, or the fatherless. After years of wandering he found the Saviour, and he died with the sweep and the majesty of the now familiar words in his ears:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

The same lesson is presented by Edwin Markham in his beautiful poem, "How the Great Guest Came." I offer it hoping that others will be inspired as I have been inspired by it.

Before the cathedral in grandeur rose,
At Ingelburg where the Danube goes;
Before its forest of silver spires
Went airily up to the clouds and fires;
Before the oak had ready a beam,
While yet the arch was stone and dream—
There where the altar was later laid,
Conrad the cobbler plied his trade.

Doubled all day on his busy bench,
Hard at his cobbling for matter and hench,
He pounded away at a brisk rat-tat,
Shearing and shaping with pull and pat,
Hide well hammered and pegs sent home,
Till the shoe was fit for the Prince of Rome.
And he sang as the threads went to and fro:
"Whether 'tis hidden or whether it show,
Let the work be sound, for the Lord will know."

Tall was the cobbler, and gray and thin,
And a full moon shone where the hair had been.
His eyes peered out, intent and afar,
As looking beyond the things that are.
He walked as one who is done with fear,
Knowing at last that God is near.
Only the half of him cobbled the shoes:
The rest was away for the heavenly news.
Indeed, so thin was the mystic screen
That parted the unseen from the seen,
You could not tell, from the cobbler's theme
If his dream were truth or his truth were dream.

It happened one day at the year's white end,
Two neighbors called on their old-time friend;
And they found the shop, so meagre and mean,
Made gay with a hundred boughs of green.
Conrad was stitching with face ashine,
But suddenly stopped as he twitched a twine:
"Old friends, good news! At dawn today,
As the cocks were scaring the night away,
The Lord appeared in a dream to me,
And said, 'I am coming your Guest to be!'
So I've been busy with feet astir,
Strewing the floor with branches of fir.

The wall is washed and the shelf is shined,
And over the rafter the holly twined.
He comes today, and the table is spread
With milk and honey and wheaten bread."
His friends went home; and his face grew still
As he watched for the shadow across the sill.
He lived all the moments o'er and o'er,
When the Lord should enter the lowly door—
The knock, the call, the latch pulled up,
The lighted face, the offered cup.
He would wash the feet where the spikes had been;
He would kiss the hands where the nails went in;
And then at the last would sit with Him
And break the bread as the day grew dim.
While the cobbler mused, there passed his pane
A beggar drenched by the driving rain.
He called him in from the stony street
And gave him shoes for his bruised feet.
The beggar went and there came a crone,
Her face with wrinkles of sorrow sown.
A bundle of fagots bowed her back,
And she was spent with the wrench and rack.
He gave her his loaf and steadied her load
As she took her way on the weary road.
Then to his door came a little child,
Lost and afraid in the world so wild,
In the big, dark world. Catching it up,
He gave it the milk in the waiting cup,
And led it home to its mother's arms,
Out of the reach of the world's alarms.
The day went down in the crimson west
And with it the hope of the blessed Guest,
And Conrad sighed as the world turned gray:
"Why is it, Lord, that your feet delay?
Did You forget that this was the day?"
Then soft in the silence a Voice he heard:
"Lift up your heart, for I kept my word.
Three times I came to your friendly door;
Three times my shadow was on your floor.
I was the beggar with bruised feet;
I was the woman you gave to eat;
I was the child on the homeless street!"

THE NATIONAL COAL POLICY CONFERENCE: A DYNAMIC VOICE FOR THE MIGHTY COMPLEX OF INDUSTRIES AND UTILITIES CLOSELY INTERLOCKED WITH COAL

Mr. RANDOLPH. Mr. President, a substantial number of my colleagues in the 86th Congress attended, as I did, the second annual dinner sponsored by the National Coal Policy Conference last night at the Statler-Hilton Hotel in the Nation's Capital City.

It was a most interesting and significant event, marked especially by Chairman George H. Love's report on "The First Year of the National Coal Policy Conference," and the presentation of a 1793 edition of Shakespeare's plays to President Emeritus John L. Lewis of the United Mine Workers of America in honor of his leadership in the formation of the conference.

Walter Kiernan, radio personality and one of America's finest wits and commentators, was outstanding as master of ceremonies for the evening program, the entertainment features of which were selections from "South Pacific" by Miss Victoria Sherry, leading soprano of the St. Louis Municipal Opera and the Pittsburgh Civic Symphony, and Earl Wrightson, recording artist and musical star of radio and television, accompanied by Roland Fiore, conductor of the Philadelphia Lyric Opera and the Starlight Theater Association of Kansas City, Mo.

Mr. Wrightson also was heard in a dramatic presentation of "Coal Powers America's Future," a song written especially for last night's occasion by Justin Herman.

Comments on the Shakespeare edition presented to Mr. Lewis were made by Dr. Giles E. Dawson, curator of books and manuscripts of the Folger Shakespeare Library in Washington, D.C.

Dr. Joseph L. Fisher, president and director of Resources for the Future, Inc., delivered a learned and penetrating address on "Energy for an Expanding Economy."

The invocation was offered by Dr. W. Paul Ludwig, pastor of the Chevy Chase Presbyterian Church, and the benediction was given by the Very Reverend Edward B. Bunn, S.J., president of Georgetown University.

The National Coal Policy Conference, one of the goals of which is to provide a dynamic voice for the mighty complex of industries and utilities so closely interlocked with coal, received a telegram from the President of the United States, among other tributes.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegram received by NCPC President Joseph E. Moody.

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

THE WHITE HOUSE,
Washington, D.C., March 30, 1960.

JOSEPH E. MOODY,
President, National Coal Policy Conference, Inc., Washington, D.C.:

It is a pleasure to send greetings to those attending the congressional dinner of the National Coal Policy Conference. The great and essential task before the peoples of the world today is the achievement of a just and lasting peace. That achievement in turn depends upon many factors. Foremost among these is economic progress not only in the industrialized centers but also among the peoples of the less developed areas. Members of the National Coal Policy Conference know full well that there can be no economic progress without an abundance of energy. If the free world is to realize its potential in improved standards of living we must draw heavily upon all fuel supplies. This holds out both a promise and a challenge to the coal producing, transporting, and consuming industries. That the management and labor of these industries have joined hands in this effort is a testimony to the intelligence and vigor of America's system of free institutions and shared responsibility.

I congratulate your conference and wish you all success.

DWIGHT D. EISENHOWER.

Mr. RANDOLPH. President Emeritus Lewis, of the United Mine Workers, who had sparked the founding of the National Coal Policy Conference and had said that its formation "can only be considered as among the most gigantic forward strides taken by the American coal industry in its long and proud history," was unable to be present for the notable event. But he sent a telegram, and, Mr. President, I ask unanimous consent to have this message printed in the RECORD.

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

WASHINGTON, D.C., *March 30, 1960.*

GEORGE H. LOVE,
Chairman,
JOSEPH E. MOODY,
President,
National Coal Policy Conference, Inc., Washington, D.C.:

Untoward circumstances prevent my attendance. I extend personal salute to associate members of conference and distinguished guests in attendance at dinner. Your program tonight should aid greatly in improved understanding of the pressing need for a national fuels policy.

JOHN L. LEWIS.

Mr. RANDOLPH. Mr. President, having introduced a resolution, now pending in the Senate Committee on Interior and Insular Affairs, to create a joint committee to study the need for a national fuels policy, and knowing that this resolution is intended to bring about appropriate inquiries concerning all energy fuels, I was especially gratified to hear the National Coal Policy Conference chairman, Mr. Love, emphasize in his address that there are no fundamental differences between the coal industry and domestic oil and gas producers, as all are an integral and essential part of our country's fuel economy.

Mr. Love, who is also chairman of Consolidation Coal Co. of Pittsburgh, the Nation's largest producer of bituminous coal, said that if any disagreement exists it is only with four or five large international oil companies which are severely injuring the coal and railroad industries by greatly increased imports of residual oil.

I join Mr. Love in urging that Congress set up a study of the need for a national fuels policy which would be in the best interest of all domestic fuels.

Likewise, I associate myself with Mr. Love's declaration that there are certain practices which cause serious dislocation among the fuels and are injurious to the Nation's welfare, namely, the excessive imports of residual oil and the dumping of natural gas for uneconomic use in steamplants at below-cost prices.

Mr. President, I believe the chairman of the National Coal Policy Conference issued a report in his keynote address last night which is thoroughly worthy of the attention of my colleagues who were unable to be present for the event last night and thus did not have the opportunity to hear him. I ask unanimous consent, therefore, to have printed in the RECORD Mr. Love's speech.

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

THE NATIONAL COAL POLICY CONFERENCE: ITS FIRST YEAR

(Address by Mr. George H. Love, chairman of the board, Consolidation Coal Co., and chairman of the board, National Coal Policy Conference, Inc., before the national dinner, National Coal Policy Conference, Washington, D.C., March 30, 1960)

Eleven months ago, many of us met together in a similar meeting to mark the inauguration of a new organization known as the National Coal Policy Conference. This was and is a unique organization composed of coal operators and owners, United

Mine Workers representing the men who work in the mines, all the railroads which carry coal in volume, utilities that use the coal, and manufacturers who make the great machines we use in mining today. This was certainly a heterogeneous group pioneering in inter-industry and labor management cooperation. The coal operators had fought the railroads on freight rates, the United Mine Workers had opposed the operators on wages, the utilities had fought the operators on coal prices, the manufacturers of equipment and operators had argued prices on machinery, so there were many skeptics who wondered how this organization could possibly survive. However, this group was united in one common cause, and that was to find a solution in the national interest to their common problem—a revitalization of the essential coal industry. Because that was their one common aim, and because it was so vitally essential for each group in the conference, and for the Nation itself, this organization has continued through its first year and can show significant and important gains.

Tonight, for the purpose of my remarks, please think of coal as energy, as a substance which brings you your TV show or runs your washing machine; as a great source of power producing steel and aluminum; as a primary source of energy in this great industrial Nation, and not as a black substance that somebody puts in a furnace to heat a particular house. Think of coal as being by far the most abundant source of energy for this country of ours, and, in addition, being located throughout most of our industrial area. Think of it on the basis that you were seeking the best location for a new enterprise needing large quantities of energy and you would find that coal near the mine mouth could furnish you that energy cheaper than it could be furnished by any other fuel anywhere in this country.

Think of coal as an industry with a billion dollar payroll for the men who go underground and as an industry which creates a half-billion-dollar payroll on the railroads. Think of it as the source of energy which has been able to expand in every national emergency to take care of the great needs of this country when other sources of energy had either to go to war, or were prevented from reaching our shores by enemy submarine action. Finally, think of coal as an industry which, by the cooperation of the owners, workers and manufacturers, has shown greater increases in productivity output, per man-hour, than any other major segment of our industrial Nation.

If all this is true, why the National Coal Policy Conference? Why do these various segments of our country have to combine to revitalize the coal industry, and furthermore, why is revitalization essential in the public interest? Finally, what has the National Coal Policy Conference done about it, and what does it seek to do?

In answer to the first question, we point out that owing to a great many factors, the coal industry is running on the irreducible minimum basis that will enable it to carry out its future essential role of producing energy for the Nation in peace, or in war. It can go no lower. Many experts have felt that an annual production level of at least 500 million tons is necessary to insure a vigorous and healthy industry capable of meeting the expanding demands of an emergency. Production in 1959 was only 410 million tons. In 1939, 20 years ago, when we produced about the same amount of coal as last year, there were 422,000 American workers employed in the mines. Today there are 180,000. When war came to this country in 1941, these more than 400,000 workers were able to increase coal production by almost two-thirds, but could 180,000 men do the same thing today? We hope so, but certainly we must let employment go no lower in our coal mines. The coal carrying railroads must be kept strong too, so that they can repeat their wartime performance. But in 1939 these railroads had some 50 percent more hopper cars to transport coal to market than they have today. Last Sunday's Pittsburgh Press, on its front page carried this headline "Starvation Stalks West Virginia Coal Towns." This is a pitiful situation in a nation as great as this one in a period of unusual industrial activity. These men will face starvation for a time while waiting for job opportunities in the mines, but eventually they will move to other centers. It takes years to train a modern coal miner or create and develop a modern coal mine. If older men are leaving the mining communities, certainly the young men we need will not seek employment there.

Why this slump in coal when the rest of the industrial Nation seems to be running at least moderately well and is showing gains year after year? Some of the reasons for coal's difficulties are proper and merely show economic progress, such as dieselization, which gives the railroads more efficient operation, and the substitution of natural gas for coal in heating homes, as it is a far more convenient fuel. Again, the great economies in the use of coal for power production is a forward step, but does decrease total coal consumption. These changes are good ones and to be expected. On the other hand, because these advances have affected coal so drastically, we cannot pile on top of them further losses caused by competitive fuels being temporarily dumped on an uneconomic basis—and these I will talk about a little later.

The next question which might be asked is—granting that the coal industry is operating at an irreducible rate, why save the industry at all? The answer to that is obvious. Any country, every nation, protects its most abundant source of energy—particularly when energy from that source may be produced cheaper than from any other source in its most important industrial areas. Any country would protect the only source of energy which could do the job of powering the Nation if submarines, as they have done before, stopped the flow of foreign oil into this country. Remember that Germany had some 75 submarines in 1941 compared to the fleet of some 500 modern deadly ones in Russia's possession today. Even if there were a question as to coal's essentiality, which certainly no one raises today, consumers of energy should be interested in keeping it as a healthy competitive force fighting with the other fuels for a share of the market, for the price effect alone it may have on these other fuels.

We have tried to show that coal is operating on the lowest basis which allows it to continue, and that it is an essential business. Now let us turn to what NCPC has done and what it proposes to do. I think, in these 11 months, NCPC, with the full cooperation of the mine workers and the railroads and its other component parts, has had considerable success in rebuilding the public awareness of coal as an essential segment of our economic structure. People in government who, a very short time ago, were wondering if the coal industry was even worth saving, are now rallying to its support. The Congress, and the Government are all thinking of coal in an entirely different way than they did a few short months ago. Public officials have seen that it is just as essential to protect the domestic coal industry as to protect the domestic oil industry.

In addition, our officers have worked with the Department of the Interior in many different ways, but particularly in regard to import quotas on residual oil. They have pointed out, for example, that during January and February, 54 percent of the entire first half year's quota for 1960 was imported, which could cause a breakdown of the whole quota system; however we have received written communication from the Department that there is no evidence available to justify an increase in the quota levels for this period.

In the last session, as you gentlemen in Congress know, 43 Members of the Senate joined in sponsoring a joint resolution to study the need of a fuels policy for the Nation, and 29 Members of the House of Representatives introduced individual resolutions for the same purpose. This brings me to my final topic, which is this: What does NCPC hope to accomplish in the next 12 months?

We believe, with your help, that we can convince the people of this country that it is in the public interest to establish a national fuels policy, so that all our fuels—oil, gas, atomic energy and coal will play their proper places in energizing this great Nation. We are not interested in "end-use" control. We fundamentally believe we can show any congressional committee that all these domestic fuels should be maintained on some minimum basis free to compete fairly in any market, and with the consumer making the final choice. We are equally confident we can show that certain practices, which are generally temporary expedients which cause serious dislocation among the fuels are injurious to the Nation's welfare. We are anxious to put our case before such a congressional committee, and we will abide by its decision.

We have no quarrel with the great domestic oil industry of this country. All the thousands of domestic producers agree with us that in order to maintain a healthy expanding domestic oil industry, there must be some control of oil imports when there is a world surplus as exists today. We believe that such protection provided by the limitation of foreign crude imports is essential to protect and foster our Nation's oil industry. Similarly, and for exactly the same reasons, we believe there should be some limitation in the amount of residual oil which may be brought into our eastern shore. Thus our disagreement, if any, is not with the American oil producers, but with four or five international companies which would flood this country with residual oil from foreign sources permanently, and thus make this great eastern seacoast of ours completely dependent on such importation. The coal industry does not seek to shut off these foreign residual oil imports, but we ask that they be maintained on some normal basis. We have suggested that residual oil imports be limited to the amount brought into the country in 1957 which was a year of great industrial activity here, and a year during which more residual was brought to our shores than ever before. This seems like a reasonable base.

To bring in more would tend to put the coal industry and railroads on a standby basis, and on such a basis there is no way to maintain either of them. Certainly the threat of war prevents us from letting our country become dependent on these importations, but even without war, governments and circumstances can change and foreign oil sources be cut off. I call your attention to Iran, to the Suez Canal situation, to a change of government in another country recently which meant changing the economic basis for producing oil in that country. Can we let the industrial eastern part of the country be dependent on such sources of oil when we have such an abundance of fossil fuels within our own borders? If we become wholly dependent on

foreign oil, do dictators become more or less arbitrary? Should we let starvation continue for railroad workers and coal workers in order to let this country be a dumping ground for a temporary world surplus of residual oil?

Turning to the natural gas industry, I believe we, as coal producers, railroad and mine workers, are in essential agreement with most of the gas producers in this country. We believe these producers should be permitted to receive a fair price for their product based on competitive forces rather than regulation. We believe the public should have a free choice to use gas, oil or coal, if these fuels are offered on a fair competitive economic basis. There is, however, a very small percentage of the total natural gas produced, so-called dumped gas, which is offered to large industrial users and utilities during certain periods of the year at far less than cost, which has the effect of temporarily replacing coal until a higher price for the gas may be found. Now if such gas were to offered to these same users on a permanent basis at these temporary dumped prices, our coal industry could not complain; but when it is offered only for short periods, it does tremendous damage to the coal and railroad industries. This damage, by slowing up or stopping progress in mining and railroading could cause the consumers to pay far more for their energy requirements throughout the years to come. This natural gas is too valuable to the public to be temporarily used for these inferior purposes and sold for as little as one-third the price you and I pay for the gas that heats our homes, merely to give a few pipelines 100-percent load factor.

In conclusion, it should be reassuring to you in government to know that these three competitive domestic fuels—oil, gas, and coal—are essentially and fundamentally in agreement. We all believe that the consumer should have a free choice. Coal, through a proper congressional hearing, seeks to show the people of this country that the methods of marketing a very small fraction of the total oil and gas used here can irretrievably injure the coal and railroad industries and raise grave questions as to their survival. When you are operating at as low a level as we are today, a few million tons of coal makes a great deal of difference and we believe we can convince the public that these temporary expedient dumping practices are not in the public interest. In 1954, a Cabinet Committee studying the energy picture, made a report to the President in accord with this view. We now ask Congress to make a determination and if it agrees, to implement its findings by law, if necessary.

America is on the threshold of its greatest era of growth and expansion. Energy demands in the foreseeable future almost stagger the imagination, and it will mean we must have available unprecedented quantities of dependable fuel to meet them. This fuel cannot be coal alone, neither can it be exclusively gas or oil. All these great natural resources must make their proper contribution toward the greatest national good under a sound, farseeing national fuels policy. It is to this end that the efforts of the National Coal Policy Conference are dedicated.

CIVIL RIGHTS ACT OF 1960

Mr. MANSFIELD. Mr. President, has morning business 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, which is H.R. 8601.

The Senate resumed the consideration of the bill (H.R. 8601), to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL] proposing a substitute for the language proposed to be inserted by the Committee on the Judiciary on page 17 beginning in line 20 and extending down to and including the word "proceedings" in line 25.

Mr. KEFAUVER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I request the attachés on both sides to inform Members of the Senate that this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

[No. 144]

Aiken	Frear	Mansfield
Allott	Fulbright	Martin
Anderson	Goldwater	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Capehart	Jackson	Russell
Carlson	Javits	Saltonstall
Carroll	Johnson, Tex.	Schoeppel
Case, N.J.	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Douglas	Lusk	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	

The PRESIDING OFFICER. A quorum is present. The Senator from Tennessee has the floor.

Mr. ERVIN. Mr. President, will the distinguished Senator from Tennessee yield, without losing his right to the floor, to enable me to offer amendments?

Mr. KEFAUVER. I yield for that purpose.

Mr. ERVIN. Mr. President, I offer amendments to the pending bill and ask that they be read and printed, and that they lie on the desk until they are called up.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and without objection, the amendments will be read.

The Chief Clerk read as follows:

On pages 20 and 21, it is proposed to insert an additional paragraph between line 25 on page 20 and line 1 on page 21 reading as follows:

"The provisions of this subsection shall apply only to an election at which a candidate for the Senate of the United States or for the House of Representatives of the United States or for Resident Commissioner of Puerto Rico is voted for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

On page 16, line 12, it is proposed to:

1. Change the period on line 12 to a colon.

2. Insert between such colon and the word "such" on line 12 these words: "*Provided, however,* the court shall hear and determine such application in accordance with the Rules of Civil Procedure for the United States District Courts."

On page 17, lines 20 and 21, strike out the words "In a proceeding before a voting referee, the applicant shall be heard ex parte," and insert the following in lieu thereof: "The proceeding before the voting referee shall be conducted according to the provisions of rule 53 of 'The Rules of Civil Procedure for the United States District Court.'"

On page 19, line 14, strike out "(c)".

On page 18, lines 24 and 25, and page 19, lines 1 and 2, strike out these words: "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."

On page 16, lines 3 and 4, strike out these words: "for one year and thereafter."

On page 16, insert an additional paragraph between line 16 and line 17 reading as follows: "The provisions of this subsection shall apply only to an election at which a 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 for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

Mr. KEFAUVER. Mr. President——

Mr. KEATING. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield briefly to the Senator from New York.

Mr. KEATING. Mr. President, I send to the desk an amendment to the bill. The amendment is the original part 4, dealing with technical assistance to school districts. I ask unanimous consent that the amendment be ordered to be printed and to lie on the table, and be read; and then I ask unanimous consent—inasmuch as I have explained the amendment—that the reading of the amendment, under the rule, be dispensed with, but that the amendment be considered to have been read under the requirements of rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. I thank my friend, the Senator from Tennessee, for yielding to me.

The amendment submitted by Mr. KEATING is as follows:

On page 2, line 3, after the number "101.", insert "(a)."

On page 3, after line 19, insert the following:

"(b) Technical assistance. Section 104 of the Civil Rights Act of 1957 (71 Stat. 635) is amended by adding the following new subsections at the end thereof:

"(d)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"(e)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"(2) Appropriations under this subsection shall be available for grants to help finance—

"(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"(f)(1) The Commissioner of Education (hereinafter called the 'Commissioner') shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

"(g)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"(h) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"(i) For purposes of this section—

"(1) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"(2) The term 'segregated public school' means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"(3) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(4) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"(j)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"(3) The Commissioner may delegate to any officer or employee of the Office of Education any of its powers and duties under this section, except the promulgation of regulations.

"(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section."

Mr. KEFAUVER. Mr. President, I address my remarks to the amendment which I presented in the Judiciary Committee on Tuesday night, when the bill was being considered by the committee. The amendment appears on page 17 of the amended bill which now is before the Senate.

In the first place, I wish to make clear that this amendment was written by me, and it was not inspired or drafted by anyone else. I wrote the amendment as a result of study of the bill and after listening to the presentations made by Mr. Rogers, Judge Walsh, and members of the committee.

The purpose I had in mind in offering the amendment was to improve and make more acceptable the referee provision, and possibly to eliminate much of the redtape which would have to be gone through in connection with this part of the bill.

The whole proceeding under this part of the bill is termed a judicial proceeding. But after hearing it described as a judicial proceeding, I was literally amazed when members of the committee who are lawyers, and particularly my friend, the junior Senator from New York [Mr. KEATING], called this amendment a scuttling amendment, when the only purpose was to try to give this part of the bill some vestige of a judicial process.

Mr. President, much can be said about the desirability of making this referee proceeding and adversary proceeding. But that was not my intention, and the amendment does not so provide. My intention was only to do what is right and fair and what I think any proceeding under a district court should provide for, namely, that the proceeding be right and fair and in keeping with the dignity of the district court.

My only purpose was to have the very important hearing at which information would be taken by the Federal Government held in a public office. It is important Mr. President, that the hearing be held in a public office. A little later I shall discuss in more detail that phase of the matter.

It was also my intention to try to have it be an open hearing, a public hearing—as all hearings should be—and not have it be a star chamber hearing. I wished the State and county registrars who would be charged with the responsibility in the first place to have an opportunity to be present. In the amendment I use the words "to appear." However, it is immaterial to me whether the words "to appear" or the words "to be present" are used. In any event, my purpose was to have the registrars given a right to "appear" for the limited purpose of making a transcript of the proceeding. That is all the amendment would do. How anyone who wants to have a fair proceeding and an open proceeding and wants to avoid something which would be repugnant to our entire judicial system of procedure—to wit, star chamber proceedings—can object to this amendment is beyond my understanding.

Mr. President, there will be enough trouble with a proceeding of this kind in any event. So I believe we should include in the bill language which will give the proceeding some status as a judicial proceeding, which it is said to be. We do not want, and I am sure the opponents of my amendment do not want, to have star chamber proceedings. Such proceedings are in conflict with the fundamental notions of democratic procedure.

Now let us consider what could happen under the bill in the absence of this amendment. A Federal voting referee would be appointed in a judicial district, and he could hold a meeting anywhere in the district. He could go from house to house, and could register anyone whom he might feel was entitled to be registered. He could drive through the judicial district in his automobile, and could pick up any citizen—for the bill as it now stands does not provide that the referee must do this work only while he is in his office—and could make a record of what that person had to say; and that would be the basis for registering him.

The referee could hold proceedings in the middle of the night, and he could hold them in his own home or while he was walking down a street or while he was walking in the fields. Under any of those circumstances, if the referee met a person, he could say to him, "You are entitled to be registered, and I will make a record of your case and will send you to the district judge."

Mr. President, to the distinguished lawyers who proposed such procedure, I say it would arouse all sorts of indignation. There must be some rules and regulations at least in line with my amendment.

If some wish to be certain that there will be indignation and a great deal of opposition to the voting referee procedure, then just let the Senate omit from the bill any limitations in regard to how the meetings shall be held or where they shall be held, and omit from the bill any provisions in regard to notice or any other provisions in regard to regulations pertaining to the meeting. I am sure the Senator from New York would say that would not happen. I am sure he would say that the meetings would be held in the daytime, and in the proper office in Federal buildings. If that be true—and I am sure that most referees would feel that way about the matter, and I hope that all of them would—why is there objection to including in the bill a provision that the hearing must be held in a public office?

Mr. President, public business should be conducted in a public office. Public officials should not be allowed to conduct public business wherever they might wish to conduct it, at any hour of the day or night. The public would not long stand for such procedure.

We are told that a referee would not proceed under such circumstances. In any event, this amendment is offered for the purpose of providing some protection to the referee himself.

All of us know that in voting matters there is naturally some political pressure here or there, at one time or another. Suppose an effort were made by a political leader to get the Federal referee to go to someone's home, to register him, and to meet him there at night, a star-chamber proceeding. The pressure would be great. So this provision that the meeting must be held in a public office is for the protection of the referee himself.

Mr. EASTLAND. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Does not the history of the old registrar system show us that the registrars would go forth in the very late hours of the night and would register applicants in their homes?

Mr. KEFAUVER. Yes; frequently that happened, and it was a cause of great indignation, not only in the South, but also in other parts of the Nation, against the registrar system.

Mr. EASTLAND. Is there any reason why that same condition could not occur again?

Mr. KEFAUVER. Well, I hope there will never be a repetition of the kind of thing that happened in days long ago. There was great political pressure in some presidential campaigns, and in other elections, in various States, to get people registered. The referees or registrars went to peoples' homes and engaged in star chamber proceedings, in which nobody could be present to make his own record. That happened. It was in many cases the rule rather than the exception. There is no protection in the bill as it stands, without the suggested language, to prevent that condition from happening again.

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

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Will we not have the same pressures in the future in presidential and State elections?

Mr. KEFAUVER. I certainly hope they will not be as intense and charged with as much bitterness as existed in the days after the War Between the States; but certainly those same types of pressures, perhaps to a lesser degree, will be present. It would be mighty easy, in a close election, for the party in power to insist that referees go around the country, travel all over judicial districts, and meet people in secret.

Mr. EASTLAND. And register members of the candidate's party.

Mr. KEFAUVER. That is correct.

Mr. EASTLAND. Does the Senator know of any reason why those same deplorable conditions would not exist in the future?

Mr. KEFAUVER. I know of no reason why they would not exist. I hope they will not exist, but, in the light of the experience we had at one time in the history of this Nation, I think the public will want a plan similar to mine, and are certainly entitled to the very mild protection I am attempting to give.

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

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Tennessee know that history attributes to the words "star-chamber proceeding" one of its most hateful connotations?

Mr. KEFAUVER. That is right. It is repugnant to our judicial procedures and the rights we like to think we have under the Constitution of the United States.

Mr. ERVIN. I will ask the Senator from Tennessee if even the star-chamber proceedings under the English law were not in one sense an improvement over the provision in the bill, in its original form, in that, in a star-chamber proceeding, while the English law excluded the public, it did permit and require the man who was being prosecuted, and whose conduct was being inquired into, to be present.

Mr. KEFAUVER. Yes. Even in cases in which the loyalty of Government employees is questioned, when they are being tried by an agency of Government, under some kind of process, I have always insisted on their right to be present. When the Mundt bill was passed in the House of Representatives, my colleague from Missouri [Mr. HENNINGS] fought for the right of the accused to have some kind of judicial hearing and to have the opportunity of confronting his accusers. I spoke against star-chamber proceedings in loyalty cases away back in the 1940's. I am glad to say that judicial students, lawmakers, and members of the Supreme Court, have said the proceedings which have been held in those cases are repugnant to our concept of constitutional rights and jurisprudence.

If the opponents of my amendment do not want star-chamber proceedings, if they do not want a repetition of what happened after the War Between the States, if they do not want a registrar to be made a political tool for the party which may be in power, if they want to give him some protection against the political pressures that are bound to be brought against him, then I think the first thing to do is to provide that the hearing shall be held in a public place or public office, as is provided in the amendment.

Mr. President, so much for that part of the amendment which provides "the hearing shall be held in a public office."

I have read in the papers, and I have heard a great deal of discussion about the point, that the amendment I presented in the Judiciary Committee striking out, on line 20 of page 17, the words "the applicant shall be heard ex parte." I felt that amendment was necessary, or at least, desirable, because I have always been led to believe, and it has always been my conception, that "ex parte" meant a hearing in the absence of the other side. I know Bouvier's Law Dictionary has been cited, but I should like to read the meaning of "ex parte" once again. One of the definitions as contained in that dictionary is:

> The term "ex parte" implies an examination in the presence of one party and in the absence of the other.

I have always understood the term "ex parte" to mean that the proceeding could be secret, need not be held in public, that the other parties who might have an interest in it might not have the opportunity of being present. So I thought it was desirable to strike out the words "ex parte" and specify exactly what should happen. I thought that the words "ex parte" standing in the clause, with the qualification of the term "public officer," and providing for notice, contradicted the term, so that, in order to make it grammatically clear, the words "ex parte" should be stricken out.

If the Senate wants to leave in the words "ex parte" and add the language, *"Provided, however,* That the hearing shall be held in a public office, and provided, that the referee shall give notice." and so forth, it would mean exactly the same thing.

As desirable as it might be to have adversary proceedings before the referee, it was not my intention to make these proceedings adversary. It was not my intention to give State registrars or their attorneys the right to cross-examine, to testify, to harass, to take any part in the proceeding, unless the referee called upon them and asked them to do so.

I want to state my intention very clearly. The Senator from New York and others who have read something else into the words of this amendment have been drawing on their imagination. The amendment provides that they can appear for only one purpose; namely, being there and making a transcript of the proceedings.

We come now to the second part.

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

Mr. KEFAUVER. Yes.

Mr. HOLLAND. I think I understand exactly what the distinguished Senator was trying to do, and I commend him for it. If there is anything that could be un-American, in the opinion of the Senator from Florida, it would be to displace a duly elected local official charged with a responsibility and a duty of importance to the public, without even allowing him to be present and hear what transpired.

I think the Senator not only was within his rights but also was insisting upon a change in the law which would be beneficial from the standpoint of fairness and justice to all concerned.

Mr. KEFAUVER. I thank the Senator very much.

In the first place, Mr. President, if this is going to be a judicial proceeding there should be some vestige of judicial procedure about it. It should be public. It should be held in a public place. The parties who are being talked about ought to have an opportunity to be present.

I think probably the Senator from New York [Mr. KEATING] has been arguing for that same right in connection with loyalty cases. I refer to the right to be present.

This is no reversal of my position. I have always insisted, sometimes unpopularly so, that when a person's job is being put in jeopardy by some secret witness in a star chamber proceeding he ought to have the right to be present. I think that is being recognized more and more.

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

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Is not the basis of the applicant's going to a Federal referee the fact that he would be discriminated against by the State registrar and the State registrar would violate the law? Is that not what is basic?

Mr. KEFAUVER. Yes. That is set forth on page 16.

Mr. EASTLAND. That being true, why is it that the man who is charged with having violated the law, with having been guilty of discrimination, is not to be given the opportunity to have a transcript of the record?

Mr. KEFAUVER. There is no reason why he should not have it. I will set out other reasons why he should.

Mr. President, let us consider this matter a little further. Let us consider why the State and county registrar should be given 2 days' notice and should have an opportunity to be present.

There may be some misunderstanding about this. I am sure there have been many changes in the points of procedure, so I may not have them all clear.

In the first place, if any person feels, or if several people feel, that he or they have been discriminated against in connection with our constitutional right to vote, an action may be brought in the district court by the Attorney General. Of course, the person or people could bring the action himself or themselves. This action would be by John Smith, John Jones, and perhaps two or three other people, against the registrar of the county or the State, as the case may be. At that time there would be a hearing. If these people proved their case they would be automatically registered to vote by the district judge of the court. That is set forth on page 16 of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, something has been said about the 2 days allowed.

Mr. KEFAUVER. If the Senator will permit me to continue, I will come to that in just a minute.

Mr. JOHNSTON of South Carolina. Very well.

Mr. KEFAUVER. Thereafter, if the judge found that there was a pattern of discrimination, he would appoint a Federal referee. This Federal referee then would not hear the people who had been ordered to be registered by the judge himself. He would hear anyone else whom he might see, or who might come to see him, or whom he might go to see, as the case might be. That is set forth on page 17, in the language:

> 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.

The important thing I want to point out is that the people who will come to the referee, to say that they have been denied the right to vote or that they have been found not qualified to vote, will not be the people who presented themselves in court in the original proceeding, who had been ordered to be registered.

It will be seen, Mr. President, that these people who will later come before the referee do not have to make any showing that they were deprived of the right to vote because of something covered by the provisions in the 15th amendment; race, color, or previous condition of servitude. It is simply the fact that they have been denied the opportunity to vote or—not "and"—or found not qualified to vote, which gives them the right to come before the referee. The referee may then make a record and send it to the judge, and the proceeding goes on from there.

Mr. President, for several reasons I think it is important for the State and country registrar to have an opportunity to be present. First, it is some kind of dereliction of duty on the registrar's part which is being talked about. That is the reason why the referee has gone to the person or the person has gone to the referee.

I think it is simply a matter of basic right that in any proceeding the person who is being accused of not having fulfilled his sworn obligation ought to have a right to at least be present. Much argument can be made to the effect that such a person ought to have the right to present evidence, or to cross-examine witnesses; but at least he ought to have the right to be present and to hear what somebody says about him. He should be able to hear the dereliction of duty of which he is charged with being guilty. What are the accusations being made against him? Was it a dereliction of duty by him? By some clerk? By some underling? By somebody who might have been in his office, when he did not know anything about it? Before a person can be, in a judicial proceeding, tried for any violation of law, I think he ought to at least have the right to be present.

There is another reason why he ought to at least have the right to be present. It will be seen that all the applicant has to show is that he has been found not qualified to vote. It may be that the applicant was found not qualified to vote because of failure to pass a reasonable literacy test, because he was guilty of committing a felony, because he was an alien, because he was under the voting age, or for any of a number of reasons, whatever the reasons might be. It would seem to me, Mr. President, that the Federal referee would want to have the State registrar present. If the applicant made a good showing—if he showed he was of age, that he was literate, that a mistake was made by some underling—I think we can assume that people will do their duty, in most cases; certainly I hope that in most cases they would do so. I think the registrar might say, "Well, a mistake was made in this case. I will register the man." In such case the whole tedious procedure of going through the Federal judge, the exceptions, the waiting period and all the long, tedious machinery, would be obviated.

Suppose the applicant was before the voting referee and was talking about literacy. If the State registrar was there he might say, "There is no question about the literacy of this man." If the referee called on the registrar to say anything, he might say, "I did not question his literacy. He was not registered because he was an alien." That is something the Federal referee ought to want to know, even though he is not under any obligation to ask the State registrar anything. The State registrar cannot say anything unless he is invited by the referee to do so. But that procedure would certainly obviate a great deal of lost time and effort.

I think this amendment is not only fair, but it is just, and in keeping with our American traditions to have present the one who is accused of some wrongdoing. I think in many cases it would help the Federal referee. It would expedite the process. If everyone were acting in good faith, the proceeding could be concluded without having to go through a tedious court procedure.

In the amendment which I drafted and presented to the committee occur the words "the right to appear." My conception of "the right to appear" was that it meant to appear for the limited purposes set out in the amendment—that is, the right to make a transcript of the proceedings, and nothing else. To me the word "appear" means to be present, to have an opportunity of being there. Some technical lawyers may say that an appearance has some other meaning, but if it has some other meaning, it is always specified as to what that meaning is. So far as I am concerned, the only connotation that I gave to the word "appear" was the right to be present; and if the words "be present" take away some of the objections, or make anyone feel better, well and good, I want it to be known what my intention was, and what meaning I had in mind.

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

Mr. KEFAUVER. I yield.

Mr. HENNINGS. I have been listening with great interest to the Senator, as I did in committee, when he described his amendment.

Does not the Senator feel that the use of the word "appear" would be very cumbersome, because, as the Senator says, technical lawyers might construe the word "appear" to mean "to represent." Is not that our general understanding when it is said that "so and so appeared" for a given party to a lawsuit, or a legal proceeding? That is the very common connotation and meaning. When one appears, he appears for a purpose, and that purpose is to protect or advance—as the case may be—the rights of the individual whom the lawyer represents. "Appear" is a rather unhappy word.

Mr. KEFAUVER. In Webster's Dictionary, and in the legal dictionaries, the word "appear" has many different meanings. In certain cases it means "to be present." In other cases it means to file a paper on behalf of someone. Sometimes when one goes to a gathering and presents himself, and leaves immediately, in ordinary parlance we talk about "making an appearance." It means going there and leaving immediately.

Mr. HENNINGS. According to Bouvier's Law Dictionary, an appearance by counsel means that counsel is there representing a party.

Mr. KEFAUVER. That is one of the definitions.

Mr. HENNINGS. In order to represent a party to a proceeding, counsel does not sit mute and do nothing. Counsel is there to "appear." I do not think that is a technical understanding of the word. I am sure that my friend from Tennessee is very sincere about his amendment. I believe that superficially it has some merit. But on the other hand, when we discuss an "appearance" we mean activity. A transcript can be furnished to anyone without his being present, because it is a very simple matter for a transcript to be made and given to the party in interest after the proceedings have terminated.

Mr. KEFAUVER. I have explained what I had in mind. As I say, this amendment was not drafted by the legislative counsel, or the Department of Justice. It was written out in longhand with a pencil on a tablet in the committee.

Mr. HENNINGS. I was seated near the Senator in the committee, and I saw the amendment written out in longhand.

Mr. KEFAUVER. My intention as to the meaning of the words was that county or State registrars or their counsel should have the right to be present and to make a transcript; and that the word "appear" was proper as used, because the representative's right to appear was limited to the purpose of making a transcript if he wishes to do so. If we say "appear" meaning to appear for the purpose of entering one's name on the docket, or for the purpose of making a bond, that is something else. If that is what is bothering the Senator, that can easily be cleared up. I wished to explain what I meant.

Mr. HENNINGS. I am sure the learned Senator from Tennessee, whether he means "appear" in the sense in which lawyers understand it or not, will recognize the fact that there is ambiguity about the word, in the light of the Senator's explanation of his intention.

Mr. KEFAUVER. If there is any ambiguity, I am sorry. There is no ambiguity in my mind. My intention was that the word meant appearance for the single purpose of hearing what was going on and making a transcript of the proceedings. That is a kind of appearance. If I had wanted to specify that he should have the right of cross-examination, or the right to enter into the case, I would certainly have specified it.

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

Mr. KEFAUVER. I yield.

Mr. ERVIN. When the Senator proposed his amendment and said that the State or county registrar, or his counsel, shall have the right to appear, the Senator added the words "and to make a transcript of the proceedings."

Mr. KEFAUVER. That is correct.

Mr. ERVIN. I ask the Senator from Tennessee if it is not perhaps the most fundamental rule for construing a statute that the expression of one thing is the exclusion of another?

Mr. KEFAUVER. I thought so. I thought that by saying what the purpose of the appearance was, anything else that might be done by an appearance would be excluded.

Mr. ERVIN. Does not the Senator from Tennessee agree with me that the fact that he has stated what the man or his counsel is to appear for, namely, to make a transcript of the proceedings, would exclude any possibility that he had any other authority?

Mr. KEFAUVER. That is a well-settled principle, and I have always understood it to be fully established.

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

Mr. KEFAUVER. I yield.

Mr. HENNINGS. This language is in the subjunctive, which indicates that the person is to appear and make a transcript. It would be comparable, I think, to say that he may appear and take notes, or he may appear and do thus and so. But I would not concede that under that language, the subjunctive word "and" would indicate that anything else is excluded. The Senator does not say "solely for the purpose of preparing a transcript," or "for the purpose of preparing a transcript." The Senator's amendment says that the county or State registrar, or his counsel, "shall have the right to appear and to make a transcript of the proceedings." Obviously he could not make a transcript unless he appeared.

Mr. KEFAUVER. I appreciate the observation of my colleague.

Mr. HENNINGS. I make no quibble about it, but I think it is a rather fundamental point.

Mr. KEFAUVER. The Senator is one of the very great lawyers in the Senate. If it had been my intention to give the registrar additional rights, such as the right of cross-examination, the right to testify, or the right to object to any proceedings, I would have set them out.

I set forth one right he had, and that is the right to make a transcript. I thought that by not setting forth other rights, it would be clear that he did not have those others. However, if the word "appear" troubles any Member of the Senate, I wish the RECORD to show what I have in mind, that I meant him to be present. If that is troubling anyone, we can clear it up quickly.

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

Mr. KEFAUVER. I yield.

Mr. JAVITS. Should the Senate believe that what the Senator's amendment has done is to make the proceeding at this stage an adversary proceeding, would the Senator then feel his amendment has miscarried? In other words, would he feel that it was doing something that he had no intention of doing?

Mr. KEFAUVER. It was not my intention to make the proceeding an adversary proceeding. I felt that "ex parte" largely meant, in the general sense—and looking it up in legal dictionaries also showed it usually means—without the other side being present. I thought that since we were going to give the other side the right to be present, "ex parte" should come out. However, if it is felt that "ex parte" should remain in the text, that is all right with me, if we provide that the hearing shall be held in a public office, and further say that so-and-so shall take place. It is certainly not my intention with this amendment to make it an adversary proceeding.

Mr. JAVITS. If the Senator's amendment should be adopted, and, as a matter of fact, if the court should construe this to mean an adversary proceeding, what would the Senator say to the fact that on page 18, at the bottom of that page, there appear the following words:

> 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 law?

In other words, what would the Senator say should happen at that point, which is an adversary proceeding?

Mr. KEFAUVER. That is clearly an adversary proceeding. The State or county registrar would have the right to file exceptions, and the court could hear the case on the exceptions, or refer it to the referee. That is clearly an adversary proceeding.

Mr. JAVITS. If the court should construe the Senator's amendment to provide for an adversary proceeding, we would then have two adversary proceedings, or at least one sure and one maybe. Is that correct?

Mr. KEFAUVER. I want to be as certain as I can make it with my statement here, which I have repeated several times, that by this language I mean to make it very clear—or by putting in necessary words into the amendment—that it was not intended to be an adversary proceeding, and is not an adversary proceeding. So I do not believe there is any possibility under those circumstances, if that is done, that it will be considered an adversary proceeding.

Mr. JAVITS. Does the Senator take cognizance of the fact that we do have before us a report which indicates that there has been, because of the physical circumstances of registration, restraint or even intimidation in some places with respect to those who wish to try to register at the court house or central place, under State law?

Mr. KEFAUVER. Yes, I understand that the report of the Civil Rights Commission does make that statement.

Mr. JAVITS. So that we should have a solicitude and a respect for that situation which has been reported to us, should we not?

Mr. KEFAUVER. Well, this is a Federal statute, and the power of the Federal Government is substantial. It is made very substantial by some provisions in the bill. I assume that a public office would be a Federal building. I would assume that that is where the referee would have his office, although he may have it in another place. Of course there would be some objection in some places to registration, but I do not feel that the power of the Federal Government is going to be thwarted. Sooner or later the identity of those who are appyling to vote has got to be known. If it is not known when the referee holds a hearing, or a star chamber hearing, if we exclude the public—which I am sure the Senator does not wish to do—it is going to be known when the referee files the report and when the State registrars have the right to file exceptions.

Therefore, if the success of this statute is to be based on that circumstance, it will be necessary to hide the fact about who is applying to register. First, I do not know that that will be the case. In the second place, if it is based on that circumstance, it will not be successful.

Mr. JAVITS. Of course the Senator is a very distinguished lawyer and one of our most valued colleagues.

Mr. KEFAUVER. After that statement I am ready for almost any kind of comment. [Laughter.]

Mr. JAVITS. Of course all legal proceedings are public proceedings unless there is a special statutory or legal right given for the court to impound or seal the proceeding. We give no such right here.

Mr. KEFAUVER. I think the right is given in the bill. It is very clearly stated in the bill on page 17: "In a proceeding before a voting referee, the applicant shall be heard ex parte." That gives the right to hear the applicant anywhere at any time under any circumstances and any place. I do not believe that the Senator, with his desire for orderly proceeding, in compliance with the intention of our Constitution, would want that to happen.

Mr. JAVITS. It does not give him the right to hear it secretly.

Mr. KEFAUVER. It certainly does. It says "ex parte."

Mr. JAVITS. I do not agree with that.

Mr. KEFAUVER. If the Senator does not agree, why does he object to having an open hearing?

Mr. JAVITS. I am coming to that. Suppose we wrote into the bill that the applicant shall be heard ex parte. Is it not a fact that the court would have the authority to make any such provision as the Senator recommends, or different provisions, and that the action of that court would be subject to review on appeal?

Mr. KEFAUVER. Perhaps, although I am not certain about it. I do not see how a court directive could change a statute which states very clearly that it is an ex parte proceeding, and where particularly the proponents of the bill have been fighting an amendment which would make it a public hearing.

Mr. JAVITS. I disagree that the proponents of the bill have been fighting an amendment which would make it a public hearing. I think that what we are fighting for is the fact that we shall not stratify a situation which has resulted in intimidation.

Mr. KEFAUVER. I can only say to the Senator that after the 15th amendment to the Constitution was adopted voting referees were appointed, and that fact constituted a very unpleasant phase in the history of our Nation. These referees went all over the countryside and held secret, star chamber proceedings, under pressure by one political party.

If that happens again, then this section will not find much public acceptance. It would be a good idea to tie it down so that the referee himself would be protected.

Mr. JAVITS. I think that what we are worried about is tying it down so as to nullify it. However, let me ask the Senator——

Mr. KEFAUVER. Let me ask the Senator from New York what he thinks it does.

Mr. JAVITS. I will be glad to tell the Senator now, or I shall be glad to on my own time. What I think it does is to make two adversary proceedings in this situation. I say that because when we couple the striking out of the words "ex parte" with the use of the word "hearing," the use of the word "appearance," and giving notice, I cannot see how any court could construe it as being other than the right to examine, cross-examine, or contest at that particular point, and consider it to be a hearing before the official referee. I cannot see any other construction.

Mr. KEFAUVER. The Senator was probably not present to hear my original explanation. I said that when I prepared the amendment and when I explained the purpose of it after the committee hearing on Tuesday night, I stated it was not my purpose to take away the ex parte provision of the hearing except insofar as to provide that it shall be held in a public office. Certainly notice that it should be an open hearing; certainly notice should be given that the right to make a transcript should accrue. Ex parte is limited to those provisions.

If it will make the Senator from New York any happier, and if he wants to have the language read that the applicant shall be heard ex parte provided the hearing shall be held in a public office, and then change the word "appear" to "to be present," that is what I had in mind, and that is all I had in mind. That does not constitute an adversary proceeding.

Mr. JAVITS. I am opposed to the whole amendment. I think it creates an adversary proceeding. I think the court has full authority to do anything which is required under the legal situation to assure this right without making the proceedings secret.

The Senator from Tennessee has been a lawyer for a long time, as have I. I have applied for thousands of ex parte orders, and so, I feel certain, has the Senator from Tennessee. The court then often will say, "Give your opponents 2 days' notice," or 3 or 4 days, or even 10 hours. The court will call counsel into chambers, or he might even consider an ex parte motion in open court as to whether the judge will or will not sign some preliminary order to show cause, or some preliminary suit or injunction. It gives the court a kind of flexibility, particularly as all of the court's actions are subject to review on appeal.

I must say to the Senator from Tennessee that I hope he does not assume I am flattering him simply because I am trying to knock down his amendment. I do not feel that way, because I have great personal affection and regard for him.

Mr. KEFAUVER. I assure the Senator from New York that his sentiment is reciprocated fully.

Mr. JAVITS. I thank the Senator. What we are concerned about is trying to reach some end point.

If the Senator really feels that something must be done about voting, it would be wrong for us in the course of strengthening the due process feature to really nullify the whole operation in an area where it has been shown to require strengthening. It is a climatic situation, which inhibits and frustrates, especially where it is backed up by traveling the hard road of the record of some violence. Then a threat becomes the real thing to a person who has been living with the situation for 80 or 90 years. I am certain the Senator from Tennessee feels as the rest of us do. It is simply a question as to whether, quite unwittingly, out of the very desire for due process, something is being inserted which will nullify what we are trying to get in terms of making these people feel like any other persons, that they can and should register.

Mr. KEFAUVER. If the Senator's argument is valid, that the whole situation of what is right in connection with our judicial procedure and our constitutional processes of trying to have hearings, and at least give a person a hearing, and enable him to have his right to be present and make a transcript, this is at variance with what we have been talking about under our judicial system all of these years.

This is said to be a judicial process. I think it ought to be. Yet when an amendment is offered which provides some vestiges of making it a judicial process, and for providing a hearing at a public place or a public office, so as to at least give the people talked about a chance to be there, which is as American as it can be, then to hear distinguished lawyers argue against something so obviously fair and reasonable shocks me no end.

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

Mr. KEFAUVER. I yield.

Mr. JAVITS. I am one of the lawyers about whom the Senator is talking. Is it not true that upon the filing of exceptions, every one of the things to which the Senator has referred could happen? A person can be an applicant in open court; and he can contest the ruling all the way to the Supreme Court of the United States in the very same situation. What we are talking about is the initial entry, the first time a person crosses the threshold in an effort to register, from which he has been inhibited for years. That is what we are talking about; not the fact that there is an adversary proceeding in the wings. Surely that hearing can be held. We do not want to encumber the first entry over the threshold with anything more than we have to.

Mr. KEFAUVER. I appreciate the Senator's observation that there will later be an adversary proceeding. If the Senator will refer to page 18, line 11, if we leave out the amendment I have filed, where the Federal referee can go around in the quiet of night, as was done years ago, or can go to the houses of people to register them and make a report, and then he files that report with the judge, no one has any notice of the action up to that point. It has been entirely ex parte. I hope it will not have been a star chamber proceeding. However, judging from the past, it might be a star chamber proceeding. Then he files it with the U.S. district judge.

The Senator from New York says that then there is an opportunity to have an adversary proceeding. Let us see the kind of adversary proceeding he might have. I read from line 8, page 18:

> 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 proceeding together with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in acordance with such report.

In other words, it is within the power of the court to fix one day or one-half a day in which to show cause why an order should not be issued in accordance with the report. How in the world is the State attorney general or the county or State registrar going to file his exceptions unless he has a transcript of the proceeding? He would not even have time to get to the district court within the shorter time the judge may fix. He would not be able to obtain a transcript of the proceeding. He would not know what to file his exceptions to. So while theoretically there might be a chance, the practical effect is that the opportunity might be entirely eliminated.

Mr. KEATING. Mr. President, will the Senator yield for a correction on that point?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I had not quite finished my reply to the Senator from Tennessee, but I will defer to my colleague.

Mr. KEATING. I call the Senator's attention to the language on page 18 above that which he has just read, which provides that—

> 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.

Mr. KEFAUVER. That is only as to literacy. Let us read all of the language. Let us keep it clear. What I have said is true. The referee may hear the applicant in a star chamber proceeding and make his report then. Then he might have 1 hour or 1 day in which to file exceptions. The other side would not even have a transcript, and the order would be entered without the State ever having had a chance to come in. Let us read the entire language, beginning on line 8, page 18.

> 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 proceeding with an order to show cause within 10 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.

Suppose the court fixes 1 day.

> Upon the expiration of such period, such order shall be entered unless prior to that time—

I interpolate—1 day—

> there has been filed with the court and served upon all parties a statement of exceptions to such report.

How in the world could anybody file exceptions when he had to show cause in 1 day? He would have had no opportunity to get a transcript. He would

not know what to file his exceptions to or what order would be entered.

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

Mr. KEFAUVER. I yield.

Mr. ERVIN. I call the attention of the able Senator from Tennessee to the following provision at the top of page 18:

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.

Does not the Senator from Tennessee agree with me, that manifestly, if the situation involved a question of the residence of the applicant, his age, whether he had been convicted of a felony, or whether he was mentally capable of voting, in States which have laws barring lunatics and idiots, the testimony necessarily would be oral?

Mr. KEFAUVER. Or whether he was an alien in the United States.

Mr. ERVIN. The bill itself provides that the only thing required to be taken down is the oral testimony of the applicant concerning his literacy or his understanding of other subjects.

And there is no requirement that any of the evidence on any other phase of the investigation be taken down.

Mr. KEFAUVER. That is correct.

Mr. ERVIN. So no transcript would be made at a later time; and unless the applicant's counsel were permitted to go there and make a transcript, there would be no transcript.

Mr. KEFAUVER. That is entirely correct. Except in regard to matters of literacy, the referee would, presumably, make his report on the basis of an oral examination of the applicant. For instance, there would be an oral examination as to whether the applicant had been convicted of a felony, whether he was a citizen, or whether he was of voting age. The only exception would be as to literacy. There is no requirement that the questions and answers in regard to the other matters be taken down.

Suppose the applicant were turned down because he was an alien or because he had been convicted of a felony: How would there ever be an opportunity to present that matter to a court, unless there had been an opportunity to be present and to make a transcript?

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

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I believe that when we deal with matters of age or residence or conviction of crime, all such matters are matters of public record, and would be picked up and used by way of challenge. As a matter of fact, when a person asks to be registered to vote in my State, he is not asked whether he was ever convicted of a felony. These matters are subjects of challenge.

Mr. KEFAUVER. Who would be there, before the Federal referee, to do any challenging?

Mr. JAVITS. Why should the applicant be subjected to a different type of proceeding, when he appears to be registered to vote? Why should such an applicant be subjected to treatment different from that accorded any other citizen?

Mr. KEFAUVER. This amendment would not subject him to different treatment. This would take him out of the ordinary proceeding for registration.

Mr. JAVITS. Does any other citizen have an adversary proceeding, with lawyers present, and 2 days' notice, and opportunity to be examined?

Mr. KEFAUVER. In Tennessee, when citizens go through the very important function of registering to vote, they go to a public office, and appear in the presence of whoever wishes to be there. If at that time someone—and anyone would have a right to do so—questions the applicant's citizenship or whether he had been convicted of a felony, or wishes to ask any other pertinent questions, the entire procedure is in public.

But this part of the bill would make an exception. This part of the bill provides that if the applicant was turned down because of having been convicted of a felony or because he was not a citizen of the United States, it would be possible for him to go to the voting referee; and the referee, in the dark of night, in a secret place, could talk to the applicant; and the referee would not have to make a written transcript of the conversation. Instead, the referee could simply report to the judge that the applicant was qualified to vote; and that would be the end of the matter.

Mr. ERVIN. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. ERVIN. I wish to call attention to a statute—in view of the statement of the Senator from New York that matters about residence, age, conviction, and so forth, would be only matters of challenge, and would not go——

Mr. JAVITS. I did not say age or residence; I said conviction of a crime.

Mr. ERVIN. Then I ask the Senator from Tennessee whether the laws of many States are in substantial accord with the following law of the State of North Carolina, which appears in the North Carolina general statutes, section 163–24, and reads as follows:

The following classes of persons shall not be allowed to register or vote—

That is to say, either register or vote—

in this State: to wit, (1) persons under 21 years of age; (2) idiots and lunatics; (3) persons who have been convicted or have confessed their guilt in open court, upon indictment, of any crime, the punishment of which is now, or may hereafter be, imprisonment in the State's prison, unless such persons shall have been restored to citizenship in the manner prescribed by law.

I ask the Senator from Tennessee whether under statutes of that nature it would be the duty of the voting referee, when sitting in North Carolina, to make inquiry of the applicant concerning all those matters, and to take his testimony concerning them?

Mr. KEFAUVER. It would be; and that North Carolina law is substantially the law of the State of Tennessee. I think all the States have laws similar to the North Carolina law to which reference has now been made.

So, in the absence of my amendment or a similar amendment, this bill would permit these applicants to proceed completely without regard to that law.

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield again to me?

Mr. KEFAUVER. I yield.

Mr. JAVITS. Is it not a fact that the proceeding we are now discussing would follow a proceeding in which the court would make an order that people were being discriminated against unlawfully because of their race or color and were being prevented from voting or registering; and that when that order had been issued, this proposed law would apply only to those who had been discriminated against; and even as to them, it would have to be stated that the applicant was qualified under State law to vote? In other words, there would previously have been made a finding that a wrong had been done in that case.

Mr. KEFAUVER. Some persons have the idea that there would be a double trial—in other words, that such persons would first present themselves in court, to establish a pattern of discrimination, and thereafter they would have to appear before a voting referee. But that is incorrect; the judge would proceed to register them, himself.

But now we are talking about those who did not appear in court. We must always keep in mind that such persons would not have to show to the referee that they had been discriminated against because of race, color, or previous condition of servitude. All they would have to do would be to show that they had been—

(a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or—

And the word is "or", not "and"—

or (b) found not qualified to vote by any person acting under color of law.

So, in contradiction of the laws of North Carolina and of practically every other State I know of, if such a person were turned down by a voting registrar in a State because the applicant was a felon, because he was not a citizen, because he was a lunatic, or because he was under age, the applicant could go to the voting referee, and nothing would need be said about racial discrimination; and the voting referee could then secretly, without recording any questions and answers, question the applicant, and could then certify the matter to the court; and the court could issue an order in half a day or in 1 day or in 10 days to show exceptions, if any there might be. Under such circumstances, how could the facts be ascertained by the State?

Mr. JAVITS. Mr. President, I think there seems to be a fundamental point of disagreement which I do not quite follow. Does the Senator from Tennessee say that those who would appear

before the voting referee ex parte—if this part of the bill as passed by the House remains in the bill—would be of a class of people who, because of their race or color, the court would find had been discriminated against with respect to voting? If the Senator from Tennessee denies that, then there is no use in my questioning him, because in my opinion this measure applies only to people in that class, as to whom the court would have found that they were being discriminated against because of their race or color.

Mr. KEFAUVER. If the Senator wants to stake his position on this amendment on that assertion, I will withdraw the amendment if he is correct. But I am certain that he is absolutely wrong. As a matter of fact, Judge Walsh said, in testifying before the committee, that there would not even be any inquiry, when such persons were before the voting referee, about their race or color.

On page 17, the Senator will find what they would be asked about. Of course, previously a pattern of discrimination would have had to be found—but not as to this applicant. That finding would have been made generally, and this particular applicant would not then have been in court.

Mr. JAVITS. If the Senator will allow me to interrupt, just so we get ourselves straight, has a pattern of discrimination, because of race or color, been found in the class to which this amendment applies?

Mr. KEFAUVER. I do not know.

Mr. JAVITS. If it has not been, the applicant is not in court.

Mr. KEFAUVER. All he needs to show a voting referee is that he has been—

(a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote—

That language appears on page 17, lines 16 through 18—

or—

Not the conjunctive, but the disjunctive—

(b) found not qualified to vote by any person acting under color of law.

He does not have to show that pattern; and, indeed, Judge Walsh said it would not be pertinent for him to show it in these proceedings.

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

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Tennessee if he did not hear me ask a question, substantially in these words, to Judge Walsh. I asked him if the people who came before the voting referee would be the parties in the original proceeding in which the pattern or practice of discrimination had been found. He said, "No."

Mr. JAVITS. Of course not.

Will the Senator yield?

Mr. KEFAUVER. In just a moment. The Senator from New York has asserted these people had already been found to have been discriminated against. He has stated his position on that. I think he now admits he is wrong. We will certainly give him a chance to be heard in a moment.

Mr. ERVIN. I will ask the Senator from Tennessee if Judge Walsh did not testify before the committee, in substance, that even if the State fired the misbehaving voting official, because of a pattern or practice of discrimination, and even though evidence available at that time showed there was no longer any discrimination, still these registrations could be made for a period of at least 1 year, in which time the State could not contest that point, and the only question that could be gone into was whether or not the applicant was qualified under State law or whether he could show the conditions which the Senator from Tennessee has just stated.

Mr. KEFAUVER. Yes. That is the way I remember his testimony.

Mr. ERVIN. That is, the question whether these applicants who applied to the voting referee had been discriminated against, under the 14th amendment, because of color or race, was not in issue.

Mr. KEFAUVER. According to Judge Walsh, that question was not in issue.

Mr. ERVIN. The only question that the voting referee would be allowed to pass on was whether the State election official made a mistake, on the basis of lack of qualifications, when he denied the applicant the right to register or to vote.

Mr. KEFAUVER. That is the only question. That language appears on page 16 of the bill, beginning on line 1:

If the court finds such pattern or practice, any person of such rate or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote—

And so forth. So the order must last for 1 year, even though that practice ceased a month or 6 weeks after.

One of the main reasons why it should be an open hearing and why the State or local registrar should have an opportunity of attending is that the person who appears before the referee will not have been in court before. All he will have to show is that he has been refused registration, whether it be upon grounds of literacy, residence, or anything else. The referee need not make any record as to substance, or questions and answers, except on the matter of literacy, which is taken to the district judge, without the right of the other side to have a transcript of the proceeding. I do not believe the Senator from New York thinks that is right or fair.

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

Mr. KEFAUVER. Yes.

Mr. JAVITS. We have gotten far from the fundamental question.

Mr. KEFAUVER. Does the Senator think it is right or fair?

Mr. JAVITS. Yes; it is, because there is an adversary proceeding provided, and to provide two adversary proceedings would frustrate what we are trying to do.

Let me ask the Senator from Tennessee this question: Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination was found can come to the voting referee and be registered? Does the Senator contend that?

Mr. KEFAUVER. I am sorry. I was reading something.

Mr. JAVITS. Let me repeat my question. Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination in respect to voting was found can come to the voting referee and be registered?

Mr. KEFAUVER. That is set forth very precisely on page 17. I think we may as well read it, beginning on line 7:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes * * * 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 (2) he has since the findings 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 think I should read to the Senator what Mr. Walsh said about it, as appears at page 80 of the hearings of March 28 and 29, 1960:

Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?

Mr. WALSH. That is correct.

So it is my contention that, under this provision, if there is to be an order pending for 1 year after a finding of a pattern of discrimination, anyone can appear and contend that he was qualified to vote and was not given the right to register.

Mr. JAVITS. Will the Senator allow me to finish my point? I think, in view of that very fundamental difference between us—and I am very grateful to my colleague for being so courteous and for yielding—I shall go into the question on my own time, because I am firmly convinced that the only one who can appear before the voting referee is one of a class of race or color against which has been found this pattern of discrimination.

Mr. KEFAUVER. Where does the Senator find that?

Mr. JAVITS. I find, on line 12, page 17, the word "applications." I cannot see that it means anything else. If so, I do not think we have the right to legislate about it.

Mr. STENNIS. Mr. President, will the Senator yield, or does the Senator wish to complete the colloquy? Otherwise, before he concludes, will he yield to me?

Mr. KEFAUVER. Yes; I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I highly commend the Senator from Tennessee for the very worthy and very fine amendment which he has offered. I have heard

most of the Senator's explanation of the amendment. It has certainly been clear, and is a contribution to the debate.

This amendment relates to one of the very vitals of the whole concept of the bill which, in the opinion of the Senator from Mississippi, is extremely important. Without the amendment by the Senator from Tennessee on this point, the bill will not only be without due process of law as to this part of the procedure but it will be directly contrary to due process of law.

I invite the Senator's attention to page 17, lines 20 and 21. The italicised words are, "the hearing shall be held in a public office."

That is also a part of the Senator's amendment, is it not?

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. It certainly is a very material part, without any reference to the other very far-reaching and effective parts of the amendment. The whole concept of American justice, American judicial procedure, and the determination of any right where parties are involved as adversaries, including the determination of officers' functions, if the hearing is not held in a public place, would be overturned. If we abandon the idea of the proceeding being open or having a hearing in some kind of public office, then we go contrary to the fundamental concept of American justice.

I want to commend the Senator very highly for working this out. Otherwise, the way the bill is written, unless the Senator's amendment is included, the referee would be able to go up and down the back alleys, or go to picnics or church gatherings or every place else, to take on all comers, and say, "Everyone sign on the line," and they would have membership in the movement; is that correct?

Mr. KEFAUVER. That is correct. It may be said by the other side that the referee would not do that, but, if the referee would not do it, I do not see why we should not write in the provision that the proceeding should be in a public office. We should have some safeguard.

Mr. STENNIS. We always find that if loopholes are left there is always someone who will move in to take advantage of the situation; and the practice which such a person starts becomes more or less a pattern itself.

Mr. KEFAUVER. The Senator is correct. I pointed out also that this amendment is for the protection of the referee himself. Assuming the referee wants to hold hearings properly, though there are pressures for him to go here and there to register people, some safeguard ought to be spelled out in the law.

Mr. STENNIS. The Senator's amendment covers that point.

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. I invite the Senator's attention to the bottom of page 18, to line 23. What I want to point out is that without the Senator's amendment, as the bill is written it would be possible to take ex parte statements any and everywhere, and to use them to form the basis of a solemn judicial determination, wherein it would not be necessary to any future step for any judge or judicial officer to really make a determination, or to reach a conclusion, or to render a judgment.

I invite the Senator's attention to the language on page 18, beginning on line 23, which says:

> 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.

In other words, does the language not mean that if for any reason the judge can say he is busy, has other matters to attend to, cannot get to a consideration of the matter, and he thinks it ought to be decided more promptly than he can get to it, whether it be days or even months, he can refer it back to the same referee, who would render, in effect, a final judgment or decision? Is that not correct?

Mr. KEFAUVER. That is correct. If the judge wishes to refer the matter to a referee, after the exceptions have been filed, he may refer it back, and he may refer it to the same referee. I think it should be pointed out that that would be an adversary proceeding.

Mr. STENNIS. Yes.

Mr. KEFAUVER. It would necessarily be public.

Mr. STENNIS. This is away from the question of being public.

Mr. KEFAUVER. Yes.

Mr. STENNIS. My point is that under the language of the bill as written it would not require the judge to actually hear the exceptions and the adversary proceeding and to reach a judicial determination himself. The judge could refer it to the referee.

Mr. KEFAUVER. I assume, however, that the referee would have to report to the judge, and the judge would finally have to act on the matter. I do not see that provision in the language, but I assume that would be the case.

Mr. STENNIS. I submit to the Senator from Tennessee that the bill does not have such a requirement. It merely says:

> They may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Of course, the matter would doubtless go back to the judge for signature, if it were going to become an adjudication. My point is that there does not have to be a judicial hearing by a judicial officer and a determination by a man learned in the law. Is that not correct, under the language of the bill as written?

Mr. KEFAUVER. That is correct, although I think somewhere along the line the judge would have to approve the final decision of the referee. I do not see that written out, but it must be true.

Mr. STENNIS. It certainly should be spelled out.

The point is that the hearing does not have to be held by the judge, and no judicial determination has to be concluded by him. This makes the Senator's amendment all the more necessary as an additional safeguard against a possible and probable abuse; is that not correct?

Mr. KEFAUVER. I think that is quite true. I think the amendment is fair. I think it is proper. I think it is in accordance with our long established methods and concepts of judicial procedure.

I thank the Senator from Mississippi very much.

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

Mr. KEFAUVER. Mr. President, I would like to have the attention of the senior Senator from New York [Mr. JAVITS].

I wanted to make clear the point we were talking about a little while ago. My conception is that under the bill the person who presents himself to the referee has to be of the race to which reference is made. However, that person does not have to have been of the class which was before the court in the first instance.

It is my conception of lines 16 through 19 on page 17 that if the person is of that race, and if he shows that he has been denied under color of law the opportunity to register, or found not qualified to vote by any person, then that is all he must show, assuming he is of the race to which reference is made in the first instance.

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

Mr. KEFAUVER. I yield.

Mr. KEATING. I think clearly such a person must be of the race concerned. I was trying to interrupt the colloquy to state that at the top of page 16, beginning in line 2, it is stated:

> Any person of such race or color resident within the effected area shall, * * * be entitled, upon his application therefor, to an order—

Mr. KEFAUVER. Yes.

Mr. KEATING. Later comes the application.

Mr. KEFAUVER. That is what I was trying to make clear.

Mr. KEATING. Mr. President, I shall speak briefly on the whole subject, but specifically I should like to ask my distinguished friend from Tennessee whether this is an adversary proceeding. I think clearly, under the wording as it is now phrased, it is an adversary proceeding.

Mr. KEFAUVER. I do not think I can make it any clearer than I have in my past statements. The Senator may have that opinion about it. I have a different opinion. Anyway, my intention was that it not be an adversary proceeding. If the Senator has any question about this language making it so, I shall be very happy to work out satisfactory language which would remove any doubt whatsoever.

Mr. KEATING. Apart from that question, I invite the Senator's attention to the requirement for two days' written notice to a county registrar of the time and place of the hearing. Does not the Senator envision the possibility—having served in the Senate—of some considerable delay in the registra-

tion of these people by reason of the requirement for two days' notice?

Mr. KEFAUVER. Frankly, I will say to the Senator that I think the actual working out of this amendment would in many cases cut out the long route through the courts, and the tortuous procedure provided for in the bill. As I have said before, if some error had been made by an underling, or by the registrar himself—we all make errors—and if a showing were made that the referee had the opportunity to be present, that might eliminate the route through the court.

I believe also that if the reason the person was not registered was because of conviction of a felony, because of being an alien, or because of being a lunatic, if the State registrar were present and the Federal referee should say, "What was your objection to this person?", the registrar might say, "I objected to him because he was convicted of a felony." That might expedite the proceeding. In any event, I cannot see that the two days' delay is substantial. I made it two days for the reason that I assume that the Federal referee may hold much of his registration, if he does not wish to travel over all parts of the district, in the Federal building where the district court is held. In some States it is a good distance from the remote parts of the Federal district to where the court is held.

Mr. KEATING. I am afraid perhaps the Senator did not understand the significance of my question. Perhaps I did not phrase it as well as I might have.

Does the Senator envision that the State registrar and his counsel, who are entitled to be present, will have nothing at all to say?

Mr. KEFAUVER. I envision that they would have nothing to say at all unless called upon to speak.

Mr. KEATING. Does not the Senator think that they would seek to talk, as we do in the Senate?

Mr. KEFAUVER. They might; but this is a matter entirely within the control of the referee.

Mr. KEATING. But the referee is presumably, in most instances, a lawyer, drawn from the particular community. He would not be inclined to shut anyone off if he desired to present a few remarks about the registration of a particular individual. I would envision the likelihood that it would require all of 1 working day, in many instances, to register one person.

Mr. KEFAUVER. The registrar and his attorneys would have no more rights than any other members of the audience, except that they would have the right to bring in a stenographer and make a transcript of the proceedings. If the argument of the Senator holds water, he must be against all public meetings, because at any public meeting someone may speak up and try to be heard. The presiding officer would, of course, have to preserve order.

Mr. KEATING. No; the Senator from New York is very much in favor of public meetings. But what he is seeking to bring about is no more formality with reference to the registration of people under this bill than takes place with regard to any other registrant who walks in and tries to vote. I do not think we should seek to make the procedure any more complicated for the individual dealt with in this bill than for anyone else. It is necessarily more complicated, but we should come as close as we can to fitting this procedure into the procedure in the case of anyone who walks in and wishes to vote.

Mr. KEFAUVER. I agree with the Senator that we ought to try to follow as closely as possible the regularly established registration rules set up in the various States, and have the Federal referee follow as closely as possible the same procedure.

I know of no State in which a registrar can go anywhere he wishes and register anyone ex parte. He must have an office. The Senator would allow the registrar to go anywhere he wished to go. He would not be tied down to any public office. In my State, and in most other States, the law provides certain requirements for registration. The public is present. The county attorney or the registrar can question the applicant about his qualifications under the statute. Under the terms of this bill there could be a star chamber proceeding. I know of no county office with respect to which there is a prohibition against people coming in and observing while other people are being registered. When people are registered, they are not registered ex parte.

Mr. KEATING. I have no reason to think that people could not casually walk in while the person was being registered; but I do not know of any county in which those who are seeking to prevent the registration are entitled to have counsel present to protect their rights against having a man registered when he is trying to exercise the franchise.

Mr. KEFAUVER. I know of no State law under which a registrar of a county or a State cannot be present with his counsel when the regular registration process is being followed. That is all we are asking here. Under some State laws the applicant can be required to take an oath in public. He can be examined. No power of examination or of asking questions on the part of the registrar or his attorney is given here.

The junior Senator of New York is asking something entirely different, separate, and apart from the usual registration procedure in the various States and counties.

He is asking that the registrar be given the power to repeat what happened in a very dark period in our history; namely, a situation in which a man does not do his work in a public office, but goes around registering people on the quiet, under political pressure, and making no report to the district judge of anything except questions and answers bearing on literacy; and a situation in which no one else can be present unless the referee wants him to be.

Mr. KEATING. Does not the Senator concede that normally such a voting referee, appointed by the Federal court, would be some lawyer in the community affected?

Mr. KEFAUVER. It might be any person. I don't know who it might be.

Mr. KEATING. The referee is appointed by the court. Generally speaking referees are lawyers.

Mr. KEFAUVER. I think most of them are, although I know some commissioners who are not lawyers.

Mr. KEATING. That is true so far as commissioners are concerned; but so far as my experience goes, any referee who is appointed is a lawyer.

Let me ask the Senator another question. The Senator spoke about registration in the dead of the night, and so forth. Suppose a voting referee received a telephone call from Mr. X, who said, "I would like to come down to your office and register, but I have been told that if I am seen around your place people will stop trading at my store, or I will lose my job." Does the Senator think it would be improper for the voting referee to go to the man's home and register him there?

Mr. KEFAUVER. His name must come out at some time or other. If it does not come out when he goes to the Federal building to register, it will have to come out when the matter is presented to the court, which may be within 10 days or less.

I really think that the referee would be in a Federal building; I mean, that is where his office would be, and I think that the people would be protected in the Federal buildings.

Mr. KEATING. I will speak briefly on the issue, and I will not take any more of the Senator's time.

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

Mr. KEFAUVER. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I should like to ask the distinguished Senator from Tennessee if it is not true that normally a registration officer under the law must publish clear notice to the public as to the place where the registration books are open and as to the dates and hours they are open, so that the public is advised when and where they can register?

Mr. KEFAUVER. Yes; I think that is done in all States.

Mr. HOLLAND. In my State that is required; namely, that the public shall be advised as to when the books are open at the courthouse, which is for a good long period of time, and when they are taken to the various precincts in the county, which is for a limited period of time, and it is required that public notice be given as to the time and place, so that citizens may know where and when they may register.

Is there any possible reason why this extralegal registrar, who is provided for in the bill, should not give such public notice and a chance for citizens who might be interested to appear at a fixed time and place in order that they may register?

Mr. KEFAUVER. I see no reason whatever.

I should call to the attention of the Senator from New York [Mr. KEATING] this fact. If he will read the amendment again, he will see that on page 17 there is the requirement stated that the Federal referee shall give notice of who

is going to apply to be registered. It is just a general registration. It might be notice with respect to 10 o'clock during a certain week. The argument about somebody not being able to be registered because he might be frightened, does not have much merit to it.

Mr. HOLLAND. I am glad the Senator has brought out that point. I noticed in the local press last night a statement, attributed to the Department of Justice, to the effect that it might take 400 days to register 200 people. If I understand the situation, those 200 people could register in one day, at one place, at one time, and the notice given would open the door for that, if the court-appointed registrar wanted to operate that way. Is that not correct?

Mr. KEFAUVER. That is certainly correct. That could be done. As quickly as the referee could satisfy himself, he could register the people, and no one could interfere. He could register them as fast as they could furnish the necessary information. I cannot see that somebody's presence at that public place would make any difference one way or another.

Mr. HOLLAND. Then the real point of the Senator's amendment is this, is it not? The Senator thinks that this registration by the referee should be at a public place, and after adequate public notice, with a chance for the duly elected officer, who is being displaced every time an additional person seeks to register, at least to be there, though silently, and hear what is said and to make a transcript if he wishes to do so of the statement made by the person applying to register?

Mr. KEFAUVER. Yes, to know what is going on.

Mr. HOLLAND. I thank the Senator. He is providing machinery which is in the finest American tradition. I cannot see how anyone can possibly oppose it.

Mr. KEFAUVER. I thank the Senator. Our Founding Fathers fought for just these principles, the right of public business being done in public, the right of somebody being entitled to be present, the right of the public to see what is going on. I do not know of any star chamber proceeding such as is proposed here which has not eventually brought disrepute on the very law that is intended to carry it out.

I say in that connection that unless some safeguards are put upon this procedure, and that if we should provide for star chamber proceedings, as someone apparently in this Senate is trying to make possible, there is going to be a great revulsion against this procedure in the days to come, and the procedure will not be successful.

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

Mr. KEFAUVER. I yield.

Mr. KEATING. Apropos the statement made by the distinguished Senator from Florida about taking 400 days to register 200 people, I think that statement was made on the assumption that it might be impossible, because of the great forensic eloquence of counsel for the registrar, to register more than one a day. Having heard my distinguished colleagues in this body, many of whom are lawyers of great ability and great eloquence, I can understand the apprehension that was felt over the fact that this might result in being a rather—I will not say tedious—deliberative procedure, and I think that should be said in explanation of the statement that was made on that point.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. My statement was made, I will say to the distinguished Senator from New York, upon the basis of my understanding, which has already been stated by the Senator from Tennessee as being his understanding also, that if the registration official has his counsel there, that does not mean that he is to be heard; that does not mean that he has a right to be heard. It means only that he is there to advise the registration officers and also, if the referee wishes to ask a question, to reply to that question. My understanding is very far from being that Senators are trying to prescribe a type of filibuster which would go on in every county in the Southland. One is enough for the Nation. [Laughter.]

Mr. KEFAUVER. I thank the Senator from Florida. Let me say that I am surprised that the Attorney General should get that impression, and that I am surprised that the Senator from New York should get that impression, because immediately after the conclusion of the hearing of the Judiciary Committee on Tuesday night, I said to the press that it was not my intention to make this a proceeding in which they could ask questions. Then, the very next day, I wrote a statement which I intended to give yesterday on the Senate floor, but which I was prevented from giving because I had to make a trip to Memphis. And I have just returned from there.

Mr. KEATING. I am glad to see the Senator back here.

Mr. KEFAUVER. I thank the Senator. In the statement which I gave to the press yesterday, I said that it was not my intention to make the proceeding an adversary proceeding, but that it was my intention to provide merely that the State or local registrar or his counsel should have the right to be present as an observer and to make a transcript of the proceeding.

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

Mr. KEFAUVER. I yield.

Mr. KEATING. What would the Senator from Tennessee or, indeed, the Senator from Florida think would happen if counsel for the registrar said to the referee, "Now, I would like to be heard briefly on this matter at this time?" Do not the Senators feel that the referee would be lenient in that respect, being presumably a lawyer from that judicial district?

Mr. KEFAUVER. Is the Senator asking me?

Mr. KEATING. Yes.

Mr. KEFAUVER. I think the referee would know the purpose for which the attorney was there, whether it was to be useful or whether it was to heckle him. I think he would size up the situation as he saw it. I would think that in many cases, if the attorney for the registrar or any interested citizen said he wished to make a point as to whether the applicant was a citizen, and if he said, "I have information about it," and if he asked the referee to give him a chance to make an observation or statement, I think that probably the referee would let him do so. That is entirely a matter within his discretion.

Mr. KEATING. If it were, I would be afraid that it might involve a rather extended dissertation. After all, counsel for the registrant might be employed on a per diem basis, and he might feel that he had to earn his money, so for that and other reasons he might take some time to state his views.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. It seems to me that the Senator from New York is assuming, first, that the referee will make a mistake twice. If he calls in an attorney and finds that he is longwinded, I do not think he would ever open the door to him again. Second, the Senator from New York is making a mistake, I think—and I humbly suggest this to him—in having the record appear that he does not think the referee would be interested in hearing some real reasons for the disqualification of a person who was applying. I am certain he did not mean that. My own feeling is that no one has a right to control the hearing except the referee.

Mr. KEFAUVER. That is correct.

Mr. HOLLAND. And that the referee may make the hearing move just as fast as he wants to make it move, and there is no right of either the registration officer or his counsel to be other than present and to make a transcript.

Mr. KEFAUVER. That is correct.

Mr. KEATING. Abhorrent as it may seem to the Senator from Florida, I meant very nearly that, because the time when the registrant and his counsel will have the opportunity to be heard will be when the case reaches the court and exceptions are filed to the report of the referee. Then will be the time when the issue will be tried—not before the referee, under the proposal here.

Mr. HOLLAND. The referee certainly will know that fact; and knowing that fact, and advising any person that that is the fact, he certainly will not waste time in allowing a longwinded lawyer to take a lot of time more than once. He may allow it one time, as a matter of custom and courtesy. But I cannot see any timewasting matter here. To the contrary, I see some safeguards which I think every honest referee—and I hope they will all be honest—would want to have. If a person is present who knows, for instance, that the applicant is not a resident of the State; or that he was convicted of a robbery not long ago, and had not told that fact to the referee; or that the person had been committed to the State insane asylum not long ago and had just been released, but had not had his civil rights restored; or if the person knew any of the many things which

would disqualify the registrant, I think the referee would want to have those facts before him, and he very quickly could get them. Nothing is provided in the bill which opens the door any wider than the referee will want it opened. We will assume that persons of discretion will be named by the district judges.

Mr. KEATING. I hope the confidence of the Senator from Florida in the expedition of such a proceeding is well founded, if the amendment should succeed, as I hope it will not.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. JOHNSTON of South Carolina. I have just been reading the law we are amending. We are amending the law which was passed in regard to the same matter in 1957. The law which was passed then provides criminal contempt penalties if the order which is issued is not carried out.

Let us assume that a Federal judge orders a person's name to be put on the register, which will entitle the person to vote as a result of a court order.

Let us assume further that the registrant did not appear because he did not know what had taken place and did not have an opportunity to defend himself, but that he then proceeds to register along the lines the court has ordered.

In many States it is a criminal offense—it is malfeasance in office—for a registrar to register anyone if the registrar knows that the person should not be registered, or if he knows that the person seeking to be registered has committed a crime. That might be a case to come before a judge. Such a State law makes the person ineligible to vote in that particular State. But could it not happen that a Federal court might register such a person, while the State, on the other hand, has a criminal offense pending against him? Could not that happen?

Mr. KEFAUVER. I think it could happen.

Mr. JOHNSTON of South Carolina. The person might get caught anyway. If he did not register, the Federal court might get him. If he registers, the State court might get him.

Mr. KEFAUVER. That is all the more reason why we should provide for a public hearing.

Mr. JOHNSTON of South Carolina. He ought to be given the privilege to know what the testimony is in the case, so that he can defend himself.

Mr. KEFAUVER. That is plain American justice. If one is being charged with failure to obey the law, he ought to be able to hear what people say about him.

Mr. President, my colleague from Tennessee has asked me to yield to him.

Mr. GORE. Mr. President, with the enactment of the bill, and the appointment of a referee in pursuance thereof, will not the referee so appointed be a public official?

Mr. KEFAUVER. Yes. The whole basis of the measure is that what is proposed will be a judicial proceeding, and the referee will be a public official, serving as a Federal public official.

Mr. GORE. Will not the function which the referee will perform be a public function?

Mr. KEFAUVER. It will be a public function, which ordinarily would be carried out by a State or county registrar. Under the circumstances set forth in the bill the referee is to supersede and take over that public function.

Mr. GORE. Is it not customary in our system of society that public officials performing public functions act in public places, and that the public is permitted to witness their performance?

Mr. KEFAUVER. That is a basic principle which has always been fought for and won. In my opinion any kind of procedure which is followed in violation of that basic system usually comes to a bad ending.

Mr. GORE. Should not a public official charged by law with the performance of a public function be facilitated in the proper performance of that function?

Mr. KEFAUVER. He certainly should be; and the public official charged with the performance of that function should want to be facilitated and helped.

Mr. GORE. If the public official in the performance of the public function should have thrown about his function the veil of secrecy, to which the junior Senator from New York [Mr. KEATING] has referred, would that facilitate or encumber the equitable and fair determination of the qualification of a citizen to vote?

Mr. KEFAUVER. It would encumber his qualification. I think also that proceedings of that kind would arouse such indignation that they would not be allowed to stand very long.

Mr. GORE. I thank my colleague.

Mr. KEFAUVER. I thank my colleague from Tennessee. As usual, he very briefly, and to the point, has put his finger upon the important issues, the important matters, which are concerned in legislation. He has certainly done so in this case today.

There is one other reason why this should be a public hearing, and why the county registrar should have the opportunity to make a transcription. This is a very important reason. We have pointed out that as to any matters not appertaining to the literacy of the applicant—matters of age, residence, whether he is a citizen, and so forth—the referee does not have to make a transcript or report of the questions and answers.

The fact that the judge may issue a show cause order within a very limited time is a reason why, I believe, the proceeding ought to be subject to open scrutiny.

On page 18, we find the following in lines 2 through 6:

> 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.

Unless the county registrar had a chance to obtain a transcript, how could it be known whether the report made by the stenographer, under the direction of the referee, was accurate, and how could the county registrar have anything on which to base his exceptions?

Mr. President, I have stated the purpose of this amendment. I sincerely believe that the amendment will strengthen the bill and will put it in line with our judicial concepts.

To leave the referee in the position he otherwise would occupy—in other words, ex parte, without any requirement of notice—certainly would be an error, certainly should be corrected, and cannot be defended.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, we repeatedly hear it said that there would be some sort of star-chamber proceeding and that registrars who would want to register applicants for either valid or invalid reasons would not have an opportunity to be heard under this section.

These statements are without foundation. First, there would be a court proceeding in which any party, including the registrar could be heard. Only if a pattern or practice of discrimination were then found could the applicant go to the referee; and only when the applicant showed the referee that he was qualified under State law, and had gone back again to register and had been denied or deprived of the opportunity to register to vote or had been found not qualified, would the applicant state his case to the referee.

As originally presented, the House bill provided that the applicant would be heard ex parte. Then the referee would make his findings, and would report them to the court; and there could be another adversary proceeding, at which the registrar or his counsel would have full opportunity to file exceptions and to be heard; and the issue could be considered on its merits.

Mr. President, I am opposed to the amendment offered by the distinguished Senator from Tennessee [Mr. KEFAUVER]. Indeed, I am opposed to the substitute amendment offered by the distinguished Senator from Colorado [Mr. CARROLL]. In my opinion, neither of those amendments is necessary for the protection of the legitimate interests of anyone; and I believe that both amendments, although admittedly this comment applies more especially to the amendment offered by the Senator from Tennessee, offer an invitation to harassment, intimidation, and reprisals against Negroes who would attempt to vote.

Mr. EASTLAND. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. KEATING. I yield.

Mr. EASTLAND. When an applicant goes to a referee to register, would a record of the proceedings be kept?

Mr. KEATING. Yes; the referee would have to keep a record of the proceedings, because he would have to make a report to the court.

Mr. EASTLAND. Very well. Suppose a State law provides forms which must be filled out and questions which must be answered in writing, and suppose the

State law also provides that a public record be kept. Would those laws apply to the referee?

Mr. KEATING. The referee would have to have a written record of those proceedings because he would have to make a report as to each applicant. That report would be made to the court, in connection with the recommendation that the applicant be registered.

Mr. EASTLAND. But under the law of a number of States, an applicant who goes to the State election registrar must answer, in writing, certain questions, on a form submitted by the State, and that must be done before the person can qualify. Would the referee have to ask those questions and reduce to writing the answers which would be given?

Mr. KEATING. Yes, if that were a valid provision of State law. The referee would have to report to the court, among other things, the fact that the applicant was qualified under State law to vote.

Mr. EASTLAND. But would the applicant have to answer in writing all the questions on the form, as required by the State registration law?

Mr. KEATING. I would think the referee—subject to later approval by the court—could dispense with a requirement which he believed to be invalid and unconstitutional. But generally speaking, I would think that questions required to be answered under State law would have to be answered by the applicant, because the referee would have to find that the applicant was qualified under State law to vote.

Mr. EASTLAND. If he did not, there would be discrimination against the members of the white race, if that procedure were followed when discrimination against the Negro race were assumed; is not that correct?

Mr. KEATING. I would think the applicant would have to answer the same questions which anyone else would have to answer, when a person tried to register, under State law—subject, perhaps, to the probably unlikely event that a referee might say, "This particular question results in a denial of the right to vote," or something of that kind, "and therefore I will, subject to a later review by the court, not require the applicant to answer this question."

But I cannot imagine that that would happen very often. So, in general, I would say that the answer to the Senator's question is "Yes"; the applicant would have to meet the same rules that would apply to all other residents of that State.

Mr. EASTLAND. The applicant would have to meet the identical tests would he?

Mr. KEATING. I would think so.

Mr. President, I would have no objection to an order by the court, in a voting rights case, requiring registration in a place open to the public. But it seems to me much sounder practice to leave this matter to the judge in each case, rather than to try to write an inflexible requirement into the basic statute. That is why I am also opposed to the amendment in the nature of a substitute which has been offered by the Senator from Colorado [Mr. CARROLL] to the amendment of the Senator from Tennessee.

Certainly, we cannot legislate on this subject in a vacuum. We cannot overlook, in our deliberations here, the findings of the Commission on Civil Rights with respect to conditions in the field of voting. We cannot assume these cases will proceed in a calm, dispassionate, unimpeded manner. We know that every possible obstacle may be placed in the way of the exercise of rights by those disfranchised Americans.

Due process for the State registration officials is guaranteed by any number of provisions in the voting referee section. The amendment offered by the distinguished Senator from Tennessee simply goes too far in its concern for the authorities of the State. While I know it was offered in the utmost good faith, the amendment reflects too little interest, in the plight of the victims of the State's discrimination.

This amendment could, in practice, virtually nullify the objectives of the voting referee section. It could operate, as do so many of these little understood provisions in the other laws on this subject, as a device for defeating the whole purpose of the law.

There are two ways to kill a bill. One is to vote against it, and the other is to insert four or five lines which simply cripple its operation and are tantamount to elimination of the provision.

We need more than paper protections for the victims of voting denials. More than 90 years have passed since ratification of the 15th amendment. We must now do something effective to implement the eloquent provisions of that amendment.

As I said yesterday, no American should be forced to apply for a ballot in a public arena filled with hostile spectators. And that is exactly what could happen under the provisions of these amendments.

In my opinion, the suggestion made by my friend from Tennessee and others, that a nonpublic hearing would resemble a star chamber proceeding, is approaching very closely to the absurd. Well, let me point out what the meaning of a star chamber proceeding is and what its vice is. We bruit that word about, sometimes, rather loosely.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Has the Senator from New York studied the history of this Government of ours? The Senator will recall that a law somewhat similar to the one now proposed was in effect until 1894. I notice the Senator used the word "90 years." Does the Senator recall that there was a similar law to this, and they had a good deal of trouble with it in New York?

Mr. KEATING. I am not the student of history that my friend from South Carolina is, but I am familiar with some of the history of the country.

Mr. JOHNSTON of South Carolina. The Senator will recall that in the Reconstruction days the colored people took over in South Carolina.

Mr. KEATING. I was not here during Reconstruction days.

Mr. JOHNSTON of South Carolina. I know, but the Senator has studied history.

Mr. KEATING. As I have said, I do not pretend to be the expert in that field which my friend from South Carolina is.

Mr. JOHNSTON of South Carolina. I do not pretend to be an expert, but I know what the conditions were immediately after the War Between the States. I know what laws were passed, which had to be repealed in 1894, and they were somewhat similar to the one which is proposed.

Mr. KEATING. I certainly do not want to see a return to Reconstruction days or to conditions prior to the Civil War. This proposal has no similarity at all to the laws repealed in the 1890's. That question was dealt with in the hearings by the Attorney General. He pointed out the very complete differences between this proposal and the law which was passed in the so-called Reconstruction days, and which was repealed in the 1890's.

Mr. JOHNSTON of South Carolina. I know he tries to deny they are the same, but the laws which were on the statute books were very similar to the ones certain Senators are trying to have passed at the present time.

Mr. KEATING. We are dealing with the present situation, in 1960, in which American citizens in wide areas are denied the right to vote because of race or color, according to the finding of the Commission on Civil Rights, composed of six distinguished men, three from the North and three from the South, three Democrats and three Republicans; and that is the situation with which we are faced today and on which we are seeking legislation.

Mr. JOHNSTON of South Carolina. Let us speak of my State, now, and of local conditions. How many does the Senator think have been registered in South Carolina?

Mr. KEATING. The report of the Civil Rights Commission is right in front of me. I do not see any useful purpose in going over those figures.

Mr. JOHNSTON of South Carolina. I want the public to know the facts. In 1957 and 1958 in South Carolina 160,000 colored people were registered to vote, and I want the public to know that.

Mr. KEATING. The Senator from South Carolina is an eloquent spokesman for his State. I have no doubt that, in his own time, he will point out the large number who are allowed to vote there. He may not refer to the areas where they do not vote. But the summary is that in South Carolina, in one county no Negroes are registered; in 6 counties, less than 5 percent are; in 40 counties, from 5 to 25 percent; and in no county more than 25 percent.

Mr. JOHNSTON of South Carolina. Did the Commission give the number of whites registered in those counties, too? I think the Senator will find the percentage was down in some of them, too.

Mr. KEATING. I am reading from page 47 of the report of the U.S. Commission on Civil Rights. Of the total voting-age population of the State of

South Carolina, 760,000 are white and 390,000 are nonwhite. The nonwhites are 33.9 percent of the total voting-age population. The number of registered voters in South Carolina in 1958 was 537,000. Of this total, 479,000 were white and 57,000 were nonwhite. Thus, the nonwhites were 10.8 percent of all registered voters, and the whites 89.2 percent of all registered voters.

Mr. JOHNSTON of South Carolina. Mr. President, let the facts be spoken truly. This Commission, which was unfair, went into South Carolina and took the figure of 57,000 after the new law went into effect, before the people had time for registration and before we had any election whatsoever to entice them to come in to enroll. The Commission will tell the Senator that, if they tell him the truth.

How many counties did the Commission say South Carolina has? It was 47, was it not?

Mr. KEATING. That is the statement on page 47.

Mr. JOHNSTON of South Carolina. Forty-seven. In every statement the Commission says "47." We have only 46 counties in South Carolina. I should like to know where they found the extra county.

Mr. KEATING. That is a considerably greater error, I concede, than the error made by the lady who was asked, when she came in to register to vote, how old she was. She gave the years and months and days, and missed by 1 day, so she was denied the privilege of voting. I concede that this error on the part of the Commission on Civil Rights is in excess of that error, and on their behalf I apologize to my friend from South Carolina for overstating the number of counties in his State.

Mr. President, if the opposition to this bill comes unanimously from 46 counties of South Carolina, I am glad South Carolina does not have 47.

Mr. JOHNSTON of South Carolina. I am trying to find that other county, to see where it is.

Mr. KEATING. I will try to help my friend find it.

Mr. JOHNSTON of South Carolina. I should like to know. I want to go into the county the next time I am seeking to be reelected, to get some votes.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield to my chairman.

Mr. EASTLAND. I understand the distinguished Senator from New York said a few minutes ago that the referee will pass upon the constitutionality of voting qualifications of a State.

Mr. KEATING. I think it would have been simpler if I had simply replied "Yes," when the chairman asked me if the voting referee would require the persons to answer the questions which are required by the State. In an abundance of caution I added that in my opinion, since the referee would be a judicial officer, if there were some provision of the local law which appeared to him to impose an obligation which was tantamount to a denial of the right to vote, the referee would be able to eliminate any such question; subject, of course, to the later action by the court, and on up through the court of appeals and the Supreme Court. I would not anticipate that any referee acting in that capacity would ever take such a burden on his shoulders but I think he might have that power.

Mr. EASTLAND. The Senator does think he would have that power?

Mr. KEATING. I would be inclined to think, this being a judicial proceeding, that he would have the power, exactly as any State election law could be stricken down by the Supreme Court of the United States on the ground that it was unconstitutional.

Mr. EASTLAND. Of course it is a judicial proceeding. Is it not something entirely new——

Mr. KEATING. Yes.

Mr. EASTLAND. In American history——

Mr. KEATING. Not according to the Senator from South Carolina.

Mr. EASTLAND. Let me finish my question.

And in English jurisprudence, that we have a judicial hearing where the other parties are not permitted to be present, are not permitted to cross-examine witnesses, and are not permitted to offer evidence, and the court, or the judicial officer, has his hands bound so that he cannot arrive at the truth? Is that not something entirely new in American jurisprudence or in British jurisprudence?

Mr. KEATING. This procedure involves nothing new. In many proceedings we have referees or commissioners who have ex parte appearances before them. They make findings. Later, as would be the case in this instance, those are passed upon in an adversary proceeding by the court.

I should like to invite the attention of the chairman—I know he does not need to have this brought to his attention, because he is a student of the bill—to the bottom of page 18 of the bill, where it is stated:

> The issues of fact and law raised by such exceptions—
>
> To the referee's report—
>
> shall be determined by the court.

Mr. EASTLAND. I understand that. If we are to give a man the right to vote, or are going to qualify him to vote, he could cast a ballot which would affect the outcome of an election before the referee's report went to the judge.

Mr. KEATING. I do not like to see my chairman vie with the distinguished Senator from Tennessee, when they stood together so well throughout these hearings on these matters. The Senator from Mississippi, then, feels that this should be an adversary proceeding before the referee?

Mr. EASTLAND. Yes, I think it should be, but it is not that.

Mr. KEATING. The Senator from Tennessee says his amendment does not intend to do that.

Mr. EASTLAND. I understand that the Senator from Tennessee makes that statement, and his amendment does not do that. I said in my judgment it should.

I ask the Senator this question: Does not the Senator think that when the outcome of an election can be affected by people who are registered, before the referee's report goes to the judge, it would be a proper thing to have the facts come out, with all the great Anglo-Saxon safeguards of the right of cross-examination, of presenting adverse testimony, at the initial stage?

Mr. KEATING. We shall have had an initial hearing prior to this, and a finding of a pattern or practice of discrimination. We shall have had a lawsuit, where the finding has been made in an adversary proceeding.

Mr. EASTLAND. That does not involve the particular applicant who can affect the outcome of an election. The court, when he considers the referee's report, can rule these people ineligible to vote. They will have voted already. They will have affected the outcome of the election, and the man who was then elected by people not qualified to vote will be in office. There would be no way to remove him from office. Would that be justice?

Mr. KEATING. After the original adversary proceeding, the only persons covered by the language of the bill would be those of the race or color with regard to whom the pattern or practice of discrimination had been found to exist.

Mr. EASTLAND. Of course that is true.

Mr. KEATING. They would then go to the referee and would try to get their names put on the rolls.

Under the language of the bill, as the bill is worded now, these people would have to go back to the registrar and ask him again to put them on the rolls. I hope that provision will be eliminated. Then these people would go to the referee. He would put them on the roll if they were qualified under State law.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. He then reports to the court. Again there is a lawsuit.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. There is a lawsuit with regard to those individuals, over whether they should be on the roll or not.

Mr. EASTLAND. That is the procedure.

Mr. KEATING. I think that is an adequate, full, and complete protection.

Mr. EASTLAND. That is the procedure. The referee qualifies them to vote, does he not?

Mr. KEATING. Subject to the——

Mr. EASTLAND. Wait a minute. These people are qualified to vote subject to the court's decision on the exceptions.

Mr. KEATING. First they have to be qualified under State law.

Mr. EASTLAND. Very well. Then they vote. They vote in an election. Then the court allows the exceptions and says these people are not qualified to vote. They have already influenced the outcome of an election.

Mr. KEATING. Presumably that would not be the chronology.

Mr. EASTLAND. Why would it not?

Mr. KEATING. In most cases the report of the referee would come before any election. There is a provision, in order to avoid undue delay, that on the eve of an election registrants may vote provisionally. Their votes are handled in the same way any other vote which is challenged is handled. We have challenges in every State of the Union at every election. If those challenges are sustained, those votes are not counted. Everyone is taken care of. Everyone in the State of Mississippi, South Carolina, Tennessee, New York, California, or any other State, is taken care of. Everyone is protected under the provisions of the bill. So I see nothing to worry about whatever.

Mr. EASTLAND. The Senator does not want to see anything to worry about.

Mr. KEATING. I should like to see it if there were something to worry about.

Mr. EASTLAND. The Senator is sincere in his position, but the Senator is bound to know that there might be qualification of great numbers of voters by the referee. They might cast their ballots in a primary or in an election, and the court, when it considered the exceptions, might find that they were fraudulent applicants. It seems to me that we are opening the door to fraud, and that under this proposal we would permit people to be elected and to hold office by fraudulent means.

Mr. KEATING. If the court finds fraud, the applicant's vote is thrown out.

Mr. EASTLAND. How is it thrown out after he has voted and the candidate for whom he voted is in office?

Mr. KEATING. Because under the provisions of the bill, if objection is made to his vote there is an impounding of his ballot.

Mr. EASTLAND. Suppose no objection is made?

Mr. KEATING. If no objection is made, it never comes to the attention of anyone. In any case in which someone votes fraudulently, if no one objected and it is not uncovered, there would be no way of stopping it. There have been cases of people voting fraudulently, which have never come to the attention of anyone. In other cases, such people have been prosecuted under other laws.

Mr. EASTLAND. Would not we be on sounder ground if we provided in the bill that notice be given to the county registrar, and that he be permitted to appear with counsel, cross-examine witnesses, and offer testimony, if this is a judicial proceeding? Then the referee would be in a position to find out the truth, instead of having his hands tied as to what the truth is.

Mr. KEATING. I will say, in answer to my friend, that he may be on sounder ground, from the standpoint of the views he holds with regard to the proposed legislation; but those of us who favor strengthening the voting rights of all Americans would certainly not be on sounder ground by making this proceeding an adversary proceeding, and making it even more stringent than our friend from Tennessee is seeking to do by his amendment.

Mr. EASTLAND. Let me see if I understand the Senator from New York correctly. He says this is a judicial proceeding, and the referee is a judicial officer; but he says we would be on weaker ground by permitting the county officer who is charged with discrimination and with violating the law to appear and permitting him to cross-examine witnesses and bring out the truth as to the applicant's qualifications, or to offer evidence to show that the applicant had committed perjury, if he had, so as to permit the decision to be made at that stage. If we do not do that, there may be elections in the Southern States that will be decided on the basis of perjured applications to vote.

Mr. KEATING. If the Senator favors registration by ordeal, I would probably have to say "Yes" to that question.

Mr. EASTLAND. Where is the ordeal?

Mr. KEATING. The registering authority, whatever he may be called, has full opportunity to present his case in court when the referee makes his finding.

Mr. EASTLAND. That is after the man has voted, and after the candidate is in office, after fraud is committed.

Mr. KEATING. In most cases it is before he has voted. In the few cases in which the election is impending, if there is an election even before the court passes upon the question, which is a matter of days, there is specific provision for the impounding of the applicant's ballot pending determination of the application, and his ballot, if thrown out, would not be counted, any more than would the ballot of any other person whose vote might be challenged. As we know, there are challenges in every State at every election.

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

Mr. KEATING. I yield.

Mr. EASTLAND. How long before a primary could an applicant be qualified?

Mr. KEATING. That depends entirely on State law. The bill provides that in the case of an application filed within 20 days prior to an election, the court may make an order for provisional voting, but this does not affect State qualifications for voting.

Mr. EASTLAND. I cannot hear the Senator.

Mr. KEATING. I refer to the provision at the bottom of page 19, which reads as follows:

> Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Mr. EASTLAND. He could be qualified 20 days before a primary, or before a general election.

Mr. KEATING. The word "primary" is not used, but I believe that "election" includes primaries. In the basic Civil Rights Act "election" includes primaries.

Mr. EASTLAND. To begin with, that provision would repeal the State statute.

Mr. KEATING. No.

Mr. EASTLAND. Of course it would.

Mr. KEATING. The Federal Government has no power to repeal valid State qualifications, nor does the Senator from New York claim that it should have.

Mr. EASTLAND. When the State provides that an applicant must register 6 months before the primary, is not the 20-day provision a repeal of the State statute?

Mr. KEATING. He must be fully qualified under State law. That is set out in the document which I hold in my hand, known as House bill 8061.

Mr. EASTLAND. Where the State statute provides for a period of 6 months, the period would be 6 months.

Mr. KEATING. That would be in reference to qualifications.

Mr. EASTLAND. With respect to the 20-day period provided in the bill, does the Senator think that is adequate time for a referee to make his report, to allow exceptions to be filed, and to have a decision by the court?

Mr. KEATING. The court decision affirming or modifying the action of the referee has come ahead of that. It is only in rare cases that an application is filed 20 or more days prior to an election, which application is undetermined by the time of such election.

Mr. EASTLAND. Where is the provision with respect to 20 or more days?

Mr. KEATING. It is found on page 19, line 20.

Mr. EASTLAND. Under the proposed statute could not an application be filed in less than 20 days?

Mr. KEATING. As I understand, the applicant cannot get the provisional voting right if his application is filed within less than 20 days, except by special order of the court.

Mr. EASTLAND. Could he get it within 5 days?

Mr. KEATING. There is a provision which states:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

That is right.

Mr. EASTLAND. We have some very highly contested elections in counties in Mississippi. The same is true in other States, I am sure. In such a case only a few votes determine the winner. In my State, for example, in a supervisor election, it would be possible to swing an election by a few votes, by registering people 4 or 5 days before the election. The Senator does not mean to tell the Senate, does he, that the referee would make his report, the exceptions could be filed, and the court could decide the case within that period of time?

Mr. KEATING. Any applicants for registration must be qualified to vote under the State law. That includes their residence and other things.

Mr. EASTLAND. Suppose the registrar says a voter is qualified. Then let us suppose that a man is elected to office. The judge could then say, "The election is fraudulent," and allow exceptions. That is the box the Senator has put himself into.

Mr. KEATING. I do not consider that the Senator from New York is in any box. If the Senator from Mississippi will let him answer the questions which he has been putting to him, the Senator from New York will try to show that there is no box here that anybody is in. The applicants must be qualified under State law as to residence and other things. If an applicant comes under this law and he is held by the referee to be entitled to vote, and this has been confirmed by the court—and there is a provision that this must be determined expeditiously——

Mr. EASTLAND. Suppose it is not determined by the court?

Mr. KEATING. There is a provision which says:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

Then it says:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

In other words, it gives to the court discretion in that case as to whether it will make an order to authorize the applicant to vote provisionally. We must reside some confidence in our Federal judges that they will make only such order as will be appropriate. If it is an appropriate case, then the applicant will be allowed to vote provisionally, even though he did not file his application until less than 20 days prior to the election. Then the bill provides: "in either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application."

If there is anything fraudulent or improper about the action of the referee in having allowed the applicant to vote, that will all be determined after the election, and the votes will be eliminated. If the Senator's opponent, for example, has been elected by this improper voting, and it is found that the difference is three or four votes, which should be thrown out, he will be unseated and the Senator from Mississippi will be seated, although I know that the Senator from Mississippi has such a hold on the voting people of the State of Mississippi, that such a close election in his case is unthinkable.

Mr. EASTLAND. No; it is left discretionary with the Federal judge.

Mr. KEATING. In cases of under 20 days.

Mr. EASTLAND. Yes. The Senator from Mississippi maintains that that is too much discretion to place in any man's hands, because the thing sticks out so that it would be possible to elect people to office by fraudulent ballots, by ballots that are found to be fraudulent by the U.S. district court.

Mr. KEATING. If I might reply to my friend, I would say there is no discretion about the impounding of the ballots. They must all be impounded. If they are found to be improperly counted, then they are thrown out, and we are back where we started. I say to the Senator, however, that this discussion relates to a section which I am not now discussing, although I am happy to respond to my chairman's inquiries. When we get to that section, I presume my friend from Mississippi will have an amendment to change the 20 days. So we can meet that situation in due course. We are now involved with an entirely different part of the bill. If I am permitted to do so, I should like to proceed with my presentation.

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

Mr. KEATING. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I just heard that part of the colloquy which related to the possible outcome of an election involving the Senator from Mississippi [Mr. EASTLAND] in which improper votes were cast against him and then those votes were cast out later by the court. I wish to remind my distinguished friend from New York that the question would not be determined there, because under the Constitution, as applicable to both the Senate and the House, the two Houses are the last judge of the election of their Members. It presents a great deal more than the hazard of the question of whether a few votes were legally or illegally cast. It would throw the matter into the lap of the Senate or the House, as the case may be, that is, whether the candidate was a candidate for the Senate or a candidate for the House. It would bring about complications much vaster than the matter of an attack in the local courts as to the eligibility of four or five voters who had cast their votes.

Mr. KEATING. I am grateful to my friend from Florida for calling my attention to the inapplicability of the illustration which I unfortunately used. I entirely agree that the House and the Senate are the last judge of the qualifications of their own Members. Rather than using the example of our distinguished colleague from Mississippi, I should have used as an illustration the sheriff of one of the counties, or someone like that, rather than a Senator or Representative in Congress.

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

Mr. KEATING. I am happy to yield to my friend from Tennessee.

Mr. KEFAUVER. I should like to show my good faith in what I said I meant by my amendment, which I wrote out in longhand in the Committee on the Judiciary, and what the intention of it was. So that there can be no misunderstanding about it, I have a newly worded amendment which I should like to ask unanimous consent to file and to have lie at the desk subject to being called up at the appropriate time. I believe it means exactly the same thing, but it may clarify some of the misgivings of the Senator from New York and others about certain language.

I stated in our colloquy that it would be satisfactory to me to change the wording in the committee amendment in order to carry out the intention. I offer this new amendment and ask that it be printed, lie on the desk, and be read.

The PRESIDING OFFICER (Mr. McGEE in the chair). The amendment will be received, printed, and will lie on the table; and without objection, the amendment will be read.

The LEGISLATIVE CLERK. On page 17, lines 19 to 25, it is proposed to strike out everything between the word "law" on the line 19 down to and including the word "Proceedings" on line 25, and insert the following in the place thereof: "In a proceeding before a voting referee, the applicant shall be heard ex parte: *Provided, however,* notice of the proceeding shall be given, the proceeding shall be held in a public office, and the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding."

Mr. KEATING. Mr. President, the Senator from Tennessee heard the colloquy with the Senator from Mississippi, who, I am certain, will be as unhappy about this amendment, or proposed change, as I am, but for differing reasons. The Senator from Mississippi felt that this should be an adversary proceeding before the referee.

Mr. KEFAUVER. I heard the colloquy.

Mr. KEATING. I think the amendment is an improvement over the original wording, because it provides that the proceeding shall be ex parte. It does not leave that wording out. But I still oppose the amendment because of the other provisions.

Mr. KEFAUVER. I understand the position of the Senator from New York; but I wanted to show that this was what I meant, in better language, I assume.

I may state also that this is a matter of fundamental importance to a great many of us. I assure the Senator from New York that my offering of the amendment was not for the purpose of impeding, holding back, or trying to scuttle the bill. During the 21 years I have been in Congress, I have always taken the position— as I am certain the Senator from New York has—that proceedings where the public could not be present, particularly where the person who was being talked about was not present, were not proper. I have taken that position in security cases which involved the discharge of employees as a result of information filed against them.

I call the Senator's attention to a very recent statement of the general principle of American jurisprudence on this very subject. I am certain the Senator knows well the case of Wiliam L. Greene against Neil M. McElroy and others, decided by the Supreme Court of the United States on June 29, 1959, in which the opinion was delivered by Chief Justice Warren. This was an industrial security case, and the question was whether persons should have the right to be present.

I should like to read one paragraph from the decision:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the

evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

I know that the factual situations are not the same; but I refer to the statement of the general trend in our jurisprudence to try to have public hearings in public offices; and if someone's dereliction is being talked about, then to give him at least an opportunity to be present.

Chief Justice Warren also said, that there should be the right of cross-examination. Of course, that is a right we have not asked for in the nonadversary proceeding which was sought in the amendment.

Mr. KEATING. I assure the Senator from Tennessee that my views on the right of due process are firm and in that respect, the Senator from Tennessee and I are in complete agreement. However, the bill as drawn, I reiterate, gives to everyone the opportunity to be heard and to have his case presented when the matter is passed upon by the court. It is not necessary to go through that procedure twice. It is not only not necessary; it is not desirable. It would frustrate the purpose of the entire voting referee provisions and would lead to possible serious abuses of this provision of the law.

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

Mr. KEATING. I yield.

Mr. KEFAUVER. I have heard the Senator from New York say on a number of occasions that the applicant will be going through the procedure twice. I think the Senator must have something else in mind. The Senator does not contend that the person who presents himself before a Federal referee for the purpose of registering will be the person who has gone through the original case upon which the pattern of discrimination has been found.

Mr. KEATING. No; these are separate people of the same race or color as those involved in the original suit, where the pattern or practice of discrimination was found to exist.

Mr. KEFAUVER. But is it not true that the particular applicant who is seeking to be registered goes through the judicial procedure only once?

Mr. KEATING. Yes. He must have already tried to register, but without success.

Mr. KEFAUVER. Yes, that is true; but he does not go through the court twice, as the Senator's remarks might be interpreted.

Mr. KEATING. Under the Senator's amendment, the applicant goes through two proceedings, one of which is now designated by the Senator's revised amendment as a nonadversary proceeding, and then through the court proceeding, which, of course, is an adversary proceeding. Only one trial is required by due process in any case. Perhaps he would not actually try his case under the amendment the Senator has now placed on the desk. But the applicant would be confronted by the fellow who refused to register him previously, and that man's lawyer would be there breathing down his neck in a nonadversary proceeding, with most of those in the streets outside and in the room where the case is being heard, while not adversary in the sense we use it in the law, would, in fact, be adverse to the registration of the particular individual.

Mr. KEFAUVER. Ordinarily, State officials give notice that registration will start at, say, 9 o'clock on April 10, and continue at 9 o'clock on every day thereafter. That is the kind of notice I had in mind. But I think we ought to make it clear that, for instance, in the Senator's State four Puerto Ricans might bring suit against the election commissioners, claiming that as a class or as a race they were denied the right to vote. In the original proceeding, if they were qualified, the judge would register them at that time. Then any other Puerto Rican who might be denied the right to vote, because he could not speak English or because of his age, or whatever the reason might be—I believe the ability to speak English is a requirement in the State of New York—would not have to go into court; he would go to the referee, and the referee would take the information. Then a report would be made to the court; exceptions might be made; and the court would have to make a finding in those proceedings.

Mr. KEATING. That is not true in the case to which the Senator has referred, which is a case in court. The Senator from Tennessee is joining the chorus of those who would try to draw a comparison between the denial of the right of a person to vote on the ground of race or color and the case of the Puerto Ricans in New York. I remind the Senator from Tennessee that in the New York case, the Puerto Ricans are claiming that the State law which requires that a person be able to read or write English in order to vote is unconstitutional. I assure the Senator from Tennessee, knowing the State officials of New York as I do, that if the Supreme Court held that such a requirement was not within the confines of the Constitution, the laws of the State of New York would be changed to conform with the decree of the Supreme Court. Anyone who has been deprived of the right to vote by illegal means will, when that fact has been ascertained by the Supreme Court, be given the right to vote. There is no parallel between the case of Puerto Ricans in New York and citizens in other States who are denied the right to vote on account of race or color. In the Puerto Rican case there is no allegation that there was a denial of the right to vote on account of race or color.

Mr. KEFAUVER. So far as I am concerned, I think every qualified citizen—whether he be of Puerto Rican ancestry or of any other ancestry should be allowed to vote. But, if a pattern of discrimination against Puerto Ricans can be shown—although I am glad to hear the Senator from New York say he believes no such discrimination can be shown, this provision would apply as to them.

Mr. KEATING. There is an allegation that the New York statute which requires that a citizen who wishes to vote must be able to read and write English is unconstitutional.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. KEATING. I yield.

Mr. ALLOTT. I have been examining the new amendment the Senator from Tennessee has submitted. First of all, I wish to state that I am opposed to the so-called Kefauver amendment which previously was before the Senate.

The new Kefauver amendment raises two questions in my mind. One of the questions is purely legal, and the other is partly legal and partly philosophical.

Mr. KEATING. The Senator from Colorado is an expert in both law and philosophy, Mr. President.

Mr. ALLOTT. Mr. President, I appreciate the kind words of the Senator from New York, but I am not entitled to them.

The new Kefauver amendment provides:

> In a proceeding before a voting referee, the applicant shall be heard ex parte; provided, however, notice of the proceeding shall be given, the proceeding shall be in a public office.

In his previous amendment, the Senator from Tennessee called for 2 days' notice, did he not?

Mr. KEATING. Yes.

Mr. ALLOTT. What would be the Senator's opinion with respect to the clause of the new amendment of the Senator from Tennessee "notice of the proceeding shall be given"?

The only interpretation I can make of it is that it would be necessary to hark back to the Federal code of civil procedure, in order to determine what was "notice." Does the Senator from New York have any different idea on that point?

Mr. KEATING. I think a court might well adhere to the rules of procedure, which of course would require much more than 2 days' notice—if that is the point the Senator from Colorado has in mind.

Mr. ALLOTT. Yes; that is exactly the point.

I am not sure what the Federal law on this point is. I know that in Colorado we have statutes which simply require that notice be given. Our Supreme Court has held again and again that "notice" refers to the notice which is required under the code of civil procedure. And since the amendment follows rather closely the Federal statute as to procedure, I assume that the "notice" referred to in the amendment can be interpreted only in light of the requirement of the Federal code.

Mr. KEATING. I do not know that the court would be limited to the Federal Code requirement. I would think that if we did not prescribe the length of notice, the amount of notice required would presuably be more than 2 days' notice—sufficient notice to afford ample time to "get out the band" and all the other paraphernalia which would accompany a proceeding in connection with the registering of such an applicant.

Mr. ALLOTT. I am inclined to believe that under this interpretation, the referee in such a case would have no freedom of choice at all, but would be required to give the notice called for by the Federal Code.

Mr. KEATING. That might well be.

Mr. ALLOTT. The other matter which bothers me somewhat, in connection with the new amendment of the Senator from Tennessee, is in connection with the following part of it:

> And the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding.

We understand what is meant by the words "and the State or county registrar or his counsel shall have the right to be present." I do not think that provision would give them the right to an "appearance," as that is known in the law.

But I wonder whether the purpose of this part of the amendment would be just as well met if the amendment were to read "shall have the right to be present and shall be provided with a transcript of the proceeding."

I wonder why this amendment would give the State or the county registrar or his counsel "the right to be present and make a transcript of the proceeding" himself.

Mr. KEATING. I do not know why the amendment is worded in that way. However, that part of it is worded in the same way as the original amendment of the Senator from Tennessee.

Let me say that I do not agree with my friend, the Senator from North Carolina [Mr. ERVIN], who invoked the well known maxim expressio unius est exclusio alterius with regard to making a transcript of the proceeding. I do not think that provision would require the registrar or his counsel to sit there like a bump on a log and not say a word, if the referee thought best to hear him in extenso.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

Mr. KEATING. Mr. President, I have mentioned by name my distinguished friend, the Senator from North Carolina; therefore, I now yield to him.

Mr. ERVIN. Will the Senator from New York agree with me on the proposition that in this entire bill of 21 pages, the only provision which requires the taking down of any oral testimony before a voting referee is the one to be found in lines 6 and 7, on page 18, reading as follows:

> If—
>
> The testimony of the applicant is—
>
> oral, it shall be taken down stenographically and a transcription included in such report to the court.

Mr. KEATING. That is the normal procedure. The referee would then report to the court; and the court could either accept or modify or refuse to accept the report of the referee.

Mr. ERVIN. But my question is whether the Senator from New York will agree with me when I say that those are the only words in all the 21 pages of the bill that require the referee to take down any oral testimony whatsoever, and when I also say that those words are restricted to the oral testimony of the applicant solely in connection with a literacy test or an understanding of other subjects.

Mr. KEATING. Well, the report would not be made by the referee by whispering into the ear of the court. The report must be made in writing.

The requirement does not have to be put in any law that the report of the referee upon which the courts acts must be a written document; and he cannot make a written document unless he has written down the answers of each one of the persons who has come before him.

Mr. ERVIN. Mr. President, everyone is entitled to three strikes at bat. I will ask the Senator a third time if he will not agree with the Senator from North Carolina that the words in reference to the oral testimony of the applicant concerning the literacy test are the only words in this entire bill which require the referee to take down any testimony that is given orally.

Mr. KEATING. I do not think this bill purports to completely cover everything that any judicial officer shall do. Title VI is the only part relating to referees. The rest of it has nothing to do with the referee section. Title VI sets forth in full what he will do, which is to make a report to the court; and he cannot make a report to the court unless he knows what he is reporting. He has to have in his report all the details which show that the applicant has qualified under State law, and all the details of age, residence, and prior efforts to register—which is another requirement. Then the section provides the answer of the applicant as to proof of literacy or understanding of other subjects—whatever that means—shall be included in the report. And if he has taken it orally in his office, he must have a stenographic transcription of it. It is not necessary to have a stenographic transcript of what the man told him as to age, residence, and prior efforts to register. Therefore, he can write down, in his own handwriting, his answers to those questions.

Mr. ERVIN. Since I have pitched to the Senator from New York three times, and he has hit three fouls, I am going to pitch to him a fourth time.

Mr. KEATING. That is not permitted under baseball rules.

The PRESIDING OFFICER. The Chair rules that the baseball season has not officially opened. [Laughter.]

Mr. ERVIN. I should like to ask the Senator from New York, for the fourth time, whether or not he will agree with the Senator from North Carolina that the only provision in this bill requiring a voting referee to take down any oral testimony given before him is the provision contained on lines 6 and 7 of page 18, which merely requires him to take down the oral testimony of the applicant concerning a literacy test.

Mr. KEATING. Is the Senator referring to the bill with or without the Kefauver amendment?

Mr. ERVIN. I am referring to the bill which the Senator has in his hand and which I have in my hand.

Mr. KEATING. The bill in my hand contains the Kefauver amendment, which I hope we are going to strike out.

Mr. ERVIN. I assure the Senator from New York I am not asking him about the Kefauver amendment right now, but I am asking him, for the fifth time, if he does not agree with the Senator from North Carolina that the only provision in this bill which requires the voting referee to preserve any oral testimony is the provision of lines 6 and 7 on page 18, and I will ask him if that provision is not restricted solely to the oral testimony of the applicant concerning a literacy test and his knowledge required of other subjects.

Mr. KEATING. The Senator from North Carolina is greatly worried about the amount of writing which a referee has to do. The referee has to write out, under the Kefauver amendment, notice of the time and place of hearing. It says "written notice." He has to write out the age, residence, and prior efforts of the applicant to register. Any referee who was in full possession of his faculties would not try to register these people without making a record of what they told him about their age, residence, and prior efforts to register.

One of the other qualifications which some of the States require is proof of literacy, and some of them require understanding of other subjects. I do not know exactly what is meant by that, but I assume it has some meaning. But if the latter qualifications, literacy and understanding of other subjects, are required and are valid provisions of State law, then the answers of the applicant must be taken down either in writing or by stenographic transcription, and the stenographic transcription in that event must be included in the report to the court.

If the Senator from North Carolina would be made happier by a statement from me that I do not observe any other point in this bill where the referee is required to pull out his pen or his pencil and write down anything, I shall be happy to make that concession to my friend from North Carolina.

Mr. ERVIN. I would like to have the Senator from New York show me anywhere in this bill where it says the referee has to take down any of the testimony of anybody except the testimony of the applicant, and where the referee is not restricted solely to the testimony of the applicant concerning his literacy test or knowledge of other matter required.

Mr. KEATING. I can assure my friend from North Carolina that if a referee is appointed in the State of New York, and is required to be appointed under this law, he will write down all of these things in order to make a proper report to the court; and I concede to the referees of the great State of North Carolina the same amount and degree of intelligence and fidelity to their task that I do to the referees who will be appointed in the State of New York.

Mr. ERVIN. My good friend from Colorado likes to use the words "vain and futile," and having found it vain and futile to get an answer from the Senator from New York to the question which I have put to him six times, I will ask him no longer.

Mr. KEATING. That is certainly a great relief to the Senator from New York, who does not wish to engage in or be a party to any delaying proceedings. There is a desire to get to a vote, and I shall not yield any further until I have completed my remarks.

Mr. President, we were discussing the allegation that this proceeding before a referee is a star chamber proceeding. The vices of a star chamber proceeding are well known. They are, first, that the defendant was forcibly brought before a secret tribunal. Second, that the defendant could then be sentenced to imprisonment or death. Third, that the defendant had no right to appeal from the decision of the secret tribunal.

There is no possible comparison between a star chamber proceeding and the ex parte hearing before a voting referee—with which we are dealing here. First, the Negro applicant has applied voluntarily for relief. Second, if the referee finds against him, the applicant is certainly no worse off than he was before he made his application. Third, exceptions to the findings of the referee may be taken by any party to the litigation, and any party taking such exceptions will receive a hearing thereon in open court.

The Senator from Tennessee has now eliminated the word "appear," which is pretty much a word of art and, in my judgment, would have made the original proceeding an adversary proceeding, as the distinguished Senator from Mississippi has said he thinks it should be. It is now said by the Senator from Tennessee to be a nonadversary proceeding. Certainly the original language was, at best, ambiguous.

The narrow meaning of the language as it now appears is that State officials are to be given the right to be present in the hearing in the narrowest sense. I do not accept this as the probable meaning, but even if we put in the words "but only to make a transcript," their presence would be for the sole purpose of making a transcript of the proceeding. If this is all that is intended, the amendment is wholly unnecessary, since under the bill before us, which came from the other body, a report of the proceedings is to be made to the court and the proceedings as to literacy and as to this understanding of other subjects are to be actually written down.

If the remarks are taken down stenographically and transcribed they must be transmitted to the court in that form in the referee's report, and they must be served on the chief legal officer of the State and each party defendant. Thus, the only effect of permitting State officials to be present at such a hearing would be to contribute to the official pressures which have already been found by the court to have deprived persons of that race or color of their constitutional rights.

The House bill fully protects the rights of the State and of its officials.

This may be repetitious, but it cannot be said too often, in the light of some of the allegations made by those who support these amendments: A referee cannot even be appointed until there has been a full judicial proceeding in which it has been found that persons have been deprived of their rights under the 15th amendment and that such denials have been a part of or pursuant to a pattern or practice. Moreover, the State and its officials are to be afforded an opportunity to take exceptions to the legal and factual bases for the referees findings and to receive a hearing before the court on those exceptions if they raise a material issue.

To permit another proceeding before the referee as well would clearly provide another opportunity to bring about harassment and trouble for this lone individual who is seeking to get the right to cast his vote, guaranteed to him by the Constitution of the United States. It would delay, obstruct and harass the entire operation of the voting referee provision.

Even assuming the utmost good faith on the part of State officials, such a proceeding would certainly be completely unnecessary. If those State officials or those acting in concert with them were in a particular instance not acting in good faith, this could result in a complete frustration of the proceedings under this section. That is the reason why the Attorney General who has been so interested in working out a plan for the enfranchisement of those who have been denied in so many areas the right to vote, is so emphatic in his statement that the language in line 20 on page 17, the original language, which says that "the applicant shall be heard ex parte," should be retained. Regardless of the meaning of the ambiguous portion of the amendment, which, as I concede, has largely been cleared up by the revision, in any event it would force the individual who is trying to vote to take three steps to qualify to vote.

First, he would have to try to qualify before the State official. Then he would have to apply to the Federal court. Then he would have to return to the referee for the hearing.

The two-step procedure under the House bill may be justified, although I hope that it will be the subject of modification by another amendment.

The three steps required by the Kefauver amendment certainly constitute a wholly unreasonable prerequisite to the exercise of the right to vote.

Mr. President, one sure means of discouraging Negroes from even attempting to avail themselves of this legislation, if it shall be enacted, would be to announce that before they can hope to vote they will be subjected to a number of trials and hearings, with repeated cross-examination, while other citizens continue to be allowed to vote simply by presenting themselves to the State registrar. In other words, these people are required to appear, whether or not they are subjected to cross-examination, in a room full of people who may well be hostile to what they are seeking to accomplish and who may have, by concert outside, banners indicating it is not desirable for these people in their own best interests to try to register, they would be subjected to a kind of harassment which is certainly not in conformity with what was intended by the voting referee provision. It is unequal treatment. It is not the treatment accorded to others who seek to vote. The kind of unequal treatment, in my judgment, envisioned by the amendment, is completely intolerable. I hope the amendment will be rejected.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. ERVIN. Mr. President, when I hear all the argument from lawyers who oppose letting a litigant be present when the case against him is tried, I am reminded of an event which is reputed to have happened in Mecklenburg County N.C., many years ago.

One of the most famous lawyers in Mecklenburg County was a Mr. Charles W. Tillett. A young lawyer whom I shall call John Doe brought a suit against the Western Union Telegraph Co., which was one of Mr. Tillett's clients. The young lawyer, John Doe, filed a somewhat vague complaint against the Western Union Telegraph Co., and Mr. Tillett applied to the judge for an order requiring the plaintiff to appear and show cause why he should not make his complaint specific in several respects.

After he issued a notice to show cause, the judge happened to meet the plaintiff's lawyer, John Doe, and he said. "John, why don't you go ahead without putting me to the necessity of having a hearing, and amend your complaint in the specific ways in which Mr. Tillett wants it amended?"

Whereupon, John Doe said, "Judge, if old man Tillett thinks I am going to tell him what this lawsuit is about, he is a blamed fool." [Laughter.]

This is the most unusual argument I have ever listened to from lawyers, and especially from lawyers who profess to have some reverence for the concept of due process of law. They oppose giving the State election official who is being tried an opportunity even to be present at a hearing and to take down the evidence against him, so that he may know what it is that he has to answer.

This is another illustration of what virtually always characterizes the legislative proposals of those who advocate civil rights bills. The first thing they do is to adopt a general presumption that every member of the Caucasian race who happens to reside below the Mason-Dixon line is a dishonorable character, and that the southern people are so dishonorable that they should be denied basic constitutional and legal rights guaranteed to all other Americans.

I have heard the people of the South described by Senators who have spoken here today, and I can truthfully say that the description they gave of those people does not fit any of the constituents I have the honor to represent in the Senate with my colleague. I cannot identify them by such descriptions.

But, having come to the conclusion that all the members of the Caucasian race residing below the Mason-Dixon line are such disreputable and dishonorable people, the proponents of civil rights legislation then take the next step and say that they are not even entitled to the basic constitutional and legal safeguards guaranteed to all Americans, and which we are willing to accord to murderers, dope peddlers, smugglers, kidnappers, and everyone else charged with any other offense against the laws of this country.

I challenge anyone to deny the statement that there is not a single Member of the Senate seeking to strike out the Kefauver amendment to the bill who would be willing to take that position if the only question involved was the guilt or innocence of crapshooters in a 15-cent crap game. They would concede that the crapshooters were entitled to the benefit of due process of law. They would concede that the crapshooters were entitled to know what the accusation against them was. And yet they stand on the floor of the Senate and say that the rights which they would give to murderers, dope peddlers, robbers, burglars, thieves, and crapshooters should be taken away from State and local officials in the South, and presumably nowhere else—because this is pictured as a sectional bill.

I am glad that we have a Constitution; and I am glad that one of the principles laid down in that Constitution is the principle which is found in the fifth amendment:

> No person shall be deprived of life, liberty, or property, without due process of law.

That is the constitutional provision which is binding upon the Federal Government and is binding on Congress when Congress undertakes to exercise the legislative power of the Federal Government.

Let us see what is meant by the expression "due process of law," which the Fifth amendment requires the Federal Government and Congress, when Congress is exercising the legislative power of the Federal Government, to observe in respect to all persons.

The essential elements of due process of law are notice and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the cause.

What is involved in the Kefauver amendment is the question of whether we are going to pay lip service to the due process clause of the Fifth amendment, or whether we are going actually to make the due process clause a living force in the enforcement in this particular bill in respect of the provisions dealing with voting referees, and, I might add, with respect to the provision dealing with those instances where the applications are passed on by the court rather than the referee.

In so far as the proceeding before a voting referee is concerned, we have a very peculiar provision. There are these stages in the proceedings before the referee:

First, a voter of the race of those who have been found to be discriminated against, but who has not been discriminated against himself because of his race or color, must make an application to the referee.

Second, the referee must conduct a hearing on the application. However, under the terms of the original bill this hearing is to be ex parte.

Third, after the referee has conducted this ex parte proceeding, he makes a report to the court, which report is in effect the judgment of the referee.

Fourth, the court thereupon issues a notice to show cause to the State official, which notice to show cause for the first time acquaints the State official with the judgment of the referee.

Fifth, the State official is then permitted to file exceptions to the referee's report and have a hearing before a judge, unless the judge takes the peculiar action which is authorized by this provision of the bill—and I read from line 23 on page 18 to line 2 on page 19:

> 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.

Under that provision of the bill it is quite possible that the State official never does have a hearing before the judge. This is true because this provision of the bill authorizes the judge to send the matter back to the referee and to let the referee pass on the question of whether he, the referee, has committed an error of law. I would dislike to have to try a case before a man who had already decided the case, when the only chance I would have of winning the case would be the finding by that man that he had made a mistake when he tried the case in the first place. Yet that is the procedure that is possible under the pending bill.

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

Mr. ERVIN. I am glad to yield to the distinguished Senator from Mississippi.

Mr. EASTLAND. When an applicant is registered by the referee, he can vote, can he not?

Mr. ERVIN. Oh, yes. That is, the bill provides that he has to get an order which entitles him to vote, which the State officials must recognize and abide by. This order can be issued by either the judge or the referee, if the judge permits it.

Mr. EASTLAND. Is it not correct to say that the first time it can be challenged is when the exceptions are filed to the referee's report?

Mr. ERVIN. Yes; that is the first time the State officials know that there is any proceeding at all in existence.

Mr. EASTLAND. That is correct. That could be after the election, or after the primary, or after the person who was registered had voted, and his vote had been counted.

Mr. ERVIN. That is correct.

Mr. EASTLAND. Is it not true, then, that in a close election, which frequently takes place for county and district offices in the various States, a judge could hold that the testimony was perjured and rule that the voter was ineligible, yet the person could have been elected to office by voters who were not qualified?

Mr. ERVIN. That is correct.

Mr. EASTLAND. In fact, a person could be elected to office and could hold office, although he had secured the office by virtue of perjury.

Mr. ERVIN. That is entirely possible.

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

Mr. ERVIN. I yield.

Mr. HART. I should like to ask the distinguished Senator from North Carolina how he interprets the language at the bottom of page 19 and the top of page 20, which, in brief, provides that if an application is filed 20 or more days before an election, but is not determined at the time of the election, the applicant is permitted to vote provisionally; and that in the case of an application filed less than 20 days before an election, the court may make such an order provisionally. Then the language beginning on line 25, page 19, reads:

> In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Am I wrong in assuming that the vote would be set aside pending a decision as to whether it was or was not cast by a qualified voter?

Mr. ERVIN. I think that under this provision, after the election was over, there could be a contest of the vote. The voter having voted, there could be a controversy. However, under the existing State law, the right of a voter to vote is finally determined before election day rolls around.

What I have said about the different steps in this procedure makes this clear: The application is filed with the referee; a hearing is held by the referee in the absence of the party who is charged with having violated the law; the referee makes his decision and sends his decision to the judge before the State election official even knows that the proceeding has been brought. That is absolutely antagonistic to any sense of the due process of law. It is almost like saying that after the horse has been stolen from the stable, the State election official can come and look in and see the empty stall.

The Senator from Tennessee [Mr. KEFAUVER] made a very able argument for his amendment. During the course of his argument, he said, I believe, that public business ought to be transacted in public. That is all that the Kefauver amendment undertakes to do. It merely provides for a hearing to be held in a public office.

Why does anyone object to having a hearing concerning a public matter held in a public office? I should think that every Member of the Senate would favor the proposition that the public business ought to be transacted in public, and that any hearing affecting a public matter should be held in a public office.

The constitution of North Carolina, in section 35, article 1, provides: "All courts shall be open."

A similar provision is contained in the constitutions of virtually all the States of the Union. The people who drew the constitution of North Carolina and the people who drew the constitutions of the other States said that all judicial proceedings should be conducted in courts, and that the courts should be open to everybody.

The reason why provisions of this character were incorporated in the constitutions of virtually all the States of the Union comes out of history. It comes out of the history of the English-speaking race. The men who drew the constitutions of the States knew that there had been at one time in England a court of star chamber, in which the proceedings were conducted in secret, and to which the public was denied admittance.

The persons who drew the constitutional provisions knew that tyranny uses the forms of law to destroy those who oppose her will, and they were determined that the courts should be open to the public, and that judicial proceedings should not be conducted in secret.

But those who operated the star chamber court in England were not quite so inimical in their attitude toward the administration of justice as are those who insist on the enactment of this bill in its original phraseology. This is true because those who operated the star chamber courts in England allowed those who were being tried to come into court and be present.

When the Deputy Attorney General of the United States, Judge Walsh, was before our committee, I put to him a question concerning the following provision of the bill:

> In a proceeding before a voting referee, the applicant shall be heard ex parte.

I asked the Deputy Attorney General of the United States if under that provision of the bill it was not true that only three persons would have to be present: First, the voting referee; second, the applicant; and third, the stenographer.

Judge Walsh said that that was a correct interpretation of that clause. Why should anyone object to a person who has been charged with misconduct being present when the charge is made against him? Why should anyone who believes in justice say that the man should not even be allowed to know what charge was pending against him, until the case had been tried by the referee and until the referee had filed his report?

Mr. President, I insist that the public's business should be transacted in public. I insist that it should be transacted in a public place. I insist that in any system of justice which conforms to the due process clause, those who are to be affected by a judicial proceeding shall have an opportunity to be present when the evidence against them is taken and when the decision against them is made. That is all that the Kefauver amendment provides for. It does not even give the State election official the right to cross-examine the witnesses or to present evidence. It merely gives him the right to insist that he shall be notified, that the hearing shall be conducted in a public place, and that he may make a transcript of what happens at that place.

Mr. President, I have discussed at some length the fact that all the Kefauver amendment does is try to require that the business of the public be transacted in public and at a public place, and that the party who is to be affected by the judgment be allowed to find out what the business is about.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. KUCHEL. I wonder if the Senator will tell us what the bill provides shall be done with the report made by the referee, with or without the Kefauver amendment.

Mr. ERVIN. Yes. I have already told the Senate.

Mr. KUCHEL. I want to be sure I understand it. Will the Senator indicate what happens to that report?

Mr. ERVIN. The first thing that happens is that an application is filed by the person who wishes to vote. There is a hearing on that application held by the voting referee, which hearing is held ex parte. That means the only people who have the right to be there are the referee, the applicant, and the stenographer. The third thing that happens is that the referee makes his decision, puts it in his report, and files the report with the judge. The fourth thing that happens is that the judge issues, to the State official and the attorney general of the State, a notice to show cause, and gives them the opportunity to be heard, either before himself, or he may send it back to the same voting referee, and let him pass on the question whether he has committed an error.

Mr. KUCHEL. My friend certainly has a right to his opinion with respect to the validity of the Kefauver amendment, but I respectfully differ with him. The point I make is, that after the referee's report is made, with or without the Kefauver amendment, there is adequate opportunity, is there not, for any parties to the dispute to be heard?

Mr. ERVIN. There is no adequate opportunity. There is a pretended opportunity to be heard on the report of the referee, but the man does not have the evidence that was taken before the referee and he does not know what the evidence is, and he cannot contest it, not knowing it, because there is no requirement in the bill that when the referee takes the evidence he shall have any of the evidence reduced to writing, except the oral evidence of the applicant concerning his literacy or his understanding of other subjects. That provision appears clearly on lines 2 through 7 on page 18 of the bill. That is the only thing taken down. In other words, the case is tried on oral evidence, and none of the oral evidence is taken down except the oral evidence on this one point.

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

Mr. ERVIN. I yield.

Mr. EASTLAND. After hundreds of people had voted, the court could find they had voted illegally. Is that correct?

Mr. ERVIN. That is correct. One of the most crucial questions under this bill has to be determined solely upon the basis of the evidence of the applicant. This is the first time in my experience, since I started to study law, it has ever been suggested that when we start to decide a matter in controversy, we shall hear the evidence only of one side, and that the other side shall not have the privilege of introducing any evidence whatsoever. That is provided with respect to the applicant's literacy qualification, as appears on lines 5 to 7 of page 19, which reads:

> 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.

In other words, on a most crucial phase of the controversy, the only evidence that can be considered—the court cannot hear any more evidence—is the evidence of the applicant which is taken down ex parte by the stenographer at the hearing, from which the State election official is excluded.

Is not that a proposition? What would anybody think or say if I were to introduce a bill providing that, in any suit for libel against a newspaper in the District of Columbia, the evidence of the people suing the newspaper for damages for libel should be taken down in secret, at a meeting from which the newspaper and its lawyers were excluded, and providing further—since the truth is a defense to libel—that the truth or falsity of the libel should be determined solely on the basis of the testimony of the people suing, taken in secret or at an ex parte hearing, and that a newspaper would not be allowed to introduce any evidence on that point?

Yet, that is precisely what this bill does so far as election officials are concerned. I can imagine what a news-

paper would say about a bill of the character I have outlined. Yet that is precisely the effect of the pending bill with respect to election officials. The only thing I can hope is that if such a provision as that becomes law, what the courts have said in the past about matters of this kind will be said in the future.

State election officials would not be allowed to introduce any evidence whatsoever on the question of applicant's literacy qualifications or matters of that nature.

I wish to read to the Senate from 12 American Jurisprudence, Constitutional Law, section 621, at pages 313 and 314:

> The right under the due process clause to a full hearing includes the right on the part of the party whose rights are sought to be affected to introduce evidence and have judicial findings based on it. A party has the right to the opportunity, when in court, to establish any fact, which, according to the usages of the common law or provisions of the Constitution, would be a protection to his property or his liberty.

Notwithstanding the fact that the courts have held that the due process clause entitles a litigant to the right to introduce evidence on any issue in the case, this bill provides that the State election official shall not be allowed to introduce any evidence whatever on the question of the applicant's possession of literacy qualifications, and qualifications of that kind; but that, on the contrary, the issue shall be determined solely on the basis of the applicant's evidence.

While I am not going to discuss at length the violation of the due process clause of the fifth amendment by the provisions of this bill which begin on line 1 at the top of page 16 and go through line 12 on the same page, I wish to point out that after the adversary proceeding is heard and after an adjudication of a pattern or practice of discrimination has been found, then the judge can proceed to act as a registration official and order persons registered to vote without giving any notice whatever to the State election officials and without giving them any opportunity to be heard, and the violation of the due process clause of the fifth amendment in this respect is even more flagrant than it is with respect to the proceeding before the voting referee.

It was contended by the Deputy Attorney General before the committee that the Federal rules of civil procedure, binding on the Federal courts, would be applicable to this hearing before the judge. I deny that. The provisions of the rules of civil procedure for the Federal district courts are wholly incompatible with the provisions of this bill in respect to the power of the judge to pass on applications after the rendition of the judgment in the adversary proceeding. This is true, among other things, because there is no provision for any summons. There is no provision for any notice. Furthermore, the judge is required by the bill to make a final decision on an application before the time of the defendant for answering expires under the rules of civil procedure governing the Federal district courts.

This is not a civil case under the rules of Federal procedure. It is not a civil case and it is not a civil controversy under section 2 of article III of the Constitution, which says that the judicial power of the United States can only be exercised in civil cases or controversies. Civil cases or civil controversies have been interpreted by the courts to be cases or controversies where there are adverse parties litigant.

One of the parties litigant in this case, under part of the procedure set up with respect to the judge passing on applications, would not be permitted even to know that the applications were filed.

Mr. President, I could argue the point for an hour, but I shall not do so at this particular time. I could show at least 20 different reasons why the Deputy Attorney General is necessarily wrong in expressing the view that the rules which govern the Federal district courts in civil cases apply to the hearings before the judge upon applications. They cannot possibly apply.

It is well established by the decisions of the Supreme Court of the United States that whenever we establish a new kind of procedure we have to provide for notice and an opportunity to be heard, in order to comply with the provisions of the due process clause; in the case of the States of the 14th amendment, and in the case of the Federal Government of the fifth amendment.

Mr. President, I read, on this point, the following from the case of *Coe* v. *Armour Fertilizer Works* (237 U.S.), at pages 424 and 425:

> Nor can extra-official or casual notice, or a hearing granted as a matter of favor or discretion, be deemed a substantial substitute for the due process of law that the Constitution requires. In *Stuart* v. *Palmer* (74 N.Y. 183, 188), which involved the validity of a statute providing for assessing the expense of a local improvement upon the lands benefited, but without notice to the owner, the court said: "It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard." The soundness of this doctrine has repeatedly been recognized by this court. Thus, in *Security Trust Co.* v. *Lexington* (203 U.S. 323, 333), the court, by Mr. Justice Peckham, said, with respect to an assessment for back taxes: "If the statute did not provide for a notice in any form, it is not material that as a matter of grace or favor notice may have been given of the proposed assessment. It is not what notice, uncalled for by the statute, the taxpayer may have received in a particular case that is material, but the question is, whether any notice is provided for by the statute" (citing the New York case). So, in *Central of Georgia Ry.* v. *Wright* (207 U.S. 127, 138), the court said: "This notice must be provided as an essential part of the statutory provision and not awarded as a mere matter of favor or grace." In *Roller* v. *Holly* (176 U.S. 398, 409), the court declared: "The right of a citizen to due process of law must rest upon a basis more substantial than favor or discretion." And in *Louis. & Nash. R.R.* v. *Stock Yards Co.* (212 U.S. 132, 144), it was said: "The law itself must save the parties' rights, and not leave them to the discretion of the courts as such."

Mr. President, under this new procedure, whereby the Federal judge can pass upon applications after the rendition of the final judgment in the adversary proceeding, there is no provision for notice or an opportunity to be heard whatever. Under these decisions of the court, such provisions are clearly violative of the due process clause of the fifth amendment, which binds and operates upon congressional enactments.

There is another strange provision in this bill. The writer of the Book of Ecclesiastes said:

> There is no new thing under the sun.

If he had to write that book today he would have to omit that statement, because there is certainly something new under the sun in this bill.

I wish to invite Senators' attention to lines 18 through 25 on page 20. These lines are couched in legalistic language. This is the way they read, in such language:

> The words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent that those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

That is the legal "gobbledygook." Let me tell Senators what that means in plain English.

It says that although the State law may provide one thing, that is, the statutes enacted by the State legislature may provide one thing, the State law to be administered by the voting referee is not that State law, but it is the practice which the misbehaving State election official followed in passing upon the voting qualifications of persons of the other race, the race other than the one alleged to have been discriminated against.

This is a novel proposition. This provision says that a misbehaving State election official who refuses to abide by the law of the State, and who violates the law of the State, by his mere violation of the law of the State actually amends the State laws to make them conform to his illegal action. If such a provision can be upheld, I am bound to say that the American people no longer have the protection of a written constitution; and I am bound to say that the States of the Union no longer really have any existence. That is the most astounding proposition I have ever seen embodied in any legislative proposal.

To reiterate that proposition in plain English, it is this: When a State election official disobeys the laws of the State in passing upon the qualifications of voters of the other race, the violations of the State law by the State election official become the law of the State.

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

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Is not the obvious answer to a case in which there is a person on the rolls who is not at all qualified for one reason or another

to remove him from the rolls, rather than to put other unqualified voters on the rolls because there is an unqualified voter on the roll already? In other words, does not the language to which the Senator refers suggest the doctrine that two wrongs make a right?

Mr. ERVIN. It certainly is the most unusual proposition I have ever seen. As the Senator says, because, forsooth, an election official has qualified someone who has been convicted of a felony in violation of State laws, he then must admit to registration people of the other race who have also committed felonies in violation of State laws. That is the provision.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I do not know the situation in North Carolina, but in Louisiana most of the inmates of the State penitentiary are located in one particular parish. So it would seem, then, that if the registrar permitted a convicted felon to be on the rolls in the parish where the State penitentiary is located, it would then be the duty of the voting referee to go to the State penitentiary and register all the inmates.

Mr. ERVIN. That is true, except that inmates of the penitentiary would not have a legal residence in the parish. If it were not for that qualification, the situation would be exactly as the Senator from Louisiana has described.

The provision is, in effect, that if the registrar has registered disqualified white persons, thereafter the voting referee must register all disqualified colored people who are disqualified on the same grounds.

Mr. LONG of Louisiana. To go one step further, if the registrar were to register a convicted felon who was not a resident of that particular parish, then, by virtue of the first error, it would be necessary to permit all the inmates of the State penitentiary to register and vote.

Mr. ERVIN. That is exactly what the provision I have just read provides, when stripped of its legalistic verbiage and put in plain English.

When the registrar, in the hypothetical case put by the Senator from Louisiana, registers a convicted felon who does not reside in his voting district, the voting referee thereafter is empowered to register all other nonresident felons he can find in his district, if they are colored. He could not register a white man. He would have to exclude the white man who was also a convicted felon, but he would have to register colored men who were convicted felons. That is what the bill provides.

Mr. LONG of Louisiana. I must say to the Senator that if the law were to operate in that fashion, there could be danger in Louisiana that the sheriff of West Feliciana Parish would be elected by the inmates of the State penitentiary located in that parish.

Mr. ERVIN. I asked the Attorney General what his justification for this provision was. He said that under the equal protection of the laws clause everyone would have to be treated alike; and this is the way of treating everyone alike.

Under the equal protection of the laws clause, according to the decisions I have read, we do not change State laws to conform to the standards of a misbehaving official, but we require him to administer the laws fairly.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I know that under the laws of Louisiana a citizen does not even have to reside in a parish in order to challenge the qualifications of anyone who is improperly on the rolls in some other parish.

A citizen of one parish can challenge persons improperly registered in any other parish in the entire State. That is based upon the theory that honest elections require that persons not properly qualified should not be voting in elections. This bill apparently proceeds on the opposite theory, that once unqualified people are placed on the rolls, we should permit unqualified people throughout the entire State to register and vote. That would make it impossible to uphold any kind of standards.

Mr. ERVIN. If this bill is enacted into law with the clause I have read verbatim to the Senate in the past few minutes, we shall no longer have the laws of the State made by the State legislatures, but they will be made, so far as election laws are concerned, by those who violate the election laws of the State.

Mr. LONG of Louisiana. I ask the Senator if the section to which he is referring could not be used to put both unqualified white and colored voters on the rolls, in this respect: If we start by finding a single white person who is not qualified—let us say he is a convicted felon and the law does not permit him to vote for that reason—once the registrar proceeds to put all the Negroes on the rolls who are also convicted felons, the remaining whites who are convicted felons are in a position to contend that they are discriminated against, because once all the convicted felons who are Negroes have been placed on the rolls, the whites are thereby discriminated against, and it would appear that they would then be in a position to go into court and say that all of them should be placed on the rolls.

Mr. ERVIN. The Senator is correct. Let us see how absurd this proposal is. Suppose State X, like North Carolina, has 2,300 different voting districts. Suppose that all the State election officials discriminated against colored people because of their race and color, and the Federal Government should take over under the voting referee provision of the bill. Suppose also that a State official who had been guilty of discrimination had discriminated in different areas. The State election laws to be enforced by the voting referee would be different in each one of the 2,300 precincts of the same State, which shows how absurd this provision is when we start to analyze it and see what its practical application would be. The election law would be one thing in one precinct, another thing in the next precinct, and a third thing in the third precinct, and so on throughout the 2,300 precincts. That is nothing fanciful on my part. That is a simple interpretation in plain English of the meaning of this particular provision of the proposed law.

Today the distinguished senior Senator from Tennessee [Mr. KEFAUVER] made an exceedingly able argument, in which he pointed out that permitting the State election official or his counsel to be present and to hear the testimony given by the applicant at a hearing before the voting referee might result in putting an end to a great deal of controversy and litigation, and might result in the applicant being speedily registered, and might also result in the attainment of the objectives of those who urge the passage of this bill.

I believe that is made very plain when we stop to consider what is the issue that comes up on the application that is heard by the voting referee.

I can illustrate that better by taking a concrete law in the State of North Carolina. The law in North Carolina provides that a man is not allowed to register and vote in North Carolina under any of the following conditions: First, if he is under 21 years of age; second, if he is an idiot or a lunatic; third, if he has been convicted of a felony and has not had his citizenship restored in the manner prescribed by law; fourth, if he is not either a native-born or naturalized citizen of the United States; fifth, if he has not resided in the State of North Carolina for 1 year; sixth, if he has not resided in the precinct, ward, or other election district in which he offers to register or vote for 30 days next preceding the election; seventh, if he is unable to read and write a section of the Constitution in the English language.

This is a very peculiar bill, Mr. President, because it is based upon the 15th amendment only. Under the 15th amendment the Federal Government has no power to take any action whatever unless a State, in a case involving a State election, has denied or abridged the right of a citizen of the United States to vote on account of his race or color.

The pending bill, notwithstanding the fact that that is the only condition upon which the Federal Government would have any jurisdiction whatever, does not allow the voting referee to pass on that question. Instead, it requires him to pass on the question, first, whether the voter is qualified under State law; second, whether he has been denied the right to register and vote or been denied the opportunity to register.

So, in North Carolina, and in most States, because most States have similar laws, there would be this number of questions of fact which would have to be passed upon by the voting referee.

If the State election official who has denied a man the privilege of registering could be present, he might simplify the matter by showing on what ground the man was denied the right to register, and he might be convinced of the error of his judgment, or the voting referee

might be convinced of the rightness of the State official's judgment, and that might end the matter then and there.

It would certainly simplify the matter pending before the voting referee. That is one advantage of all codes of procedure which require written pleadings, because then it is possible to find out from the written pleadings what is covered, and it is possible to narrow the issue to the only question that is in controversy.

Under the proposed proceeding, where no adversary pleadings are allowed and no notice is given until after the case has been decided by the voting referee, there is no way in the world except by the presence of the State official or his counsel before the voting referee whereby the issues can be narrowed and settled in an amicable fashion, as the Senator from Tennessee has pointed out this morning.

Mr. President, I shall take this occasion to speak on the other provisions of the bill. I should like to point out that Congress has two separate and distinct powers to legislate in respect to voting. One of these powers is restricted to voting for candidates for the Senate and candidates for the House of Representatives; the other is in respect to voting in State and local elections. The distinction between the power of Congress in one case and its power in the other is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell, to state it emphatically.

The power of Congress to legislate in respect to elections for Senators and Representatives is found in article I of the Constitution and in the 17th amendment. The power is found in the following provisions: Article I, section 2, provides:

> 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, provides:

> 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 places of choosing Senators.

I read amendment No. 17:

> 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 legislature.

The three clauses which I have just read confer upon Congress the power to make or alter acts of State legislatures in respect of the time, the place, and the manner of holding elections for U.S. Senators and U.S. Representatives.

The pending bill is not based upon those provisions of the Constitution; it is based upon the 15th amendment. The 15th amendment contains two sections, the first of which reads as follows:

> 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.

The second section of the 15th amendment provides:

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

The second section of the 15th amendment is virtually identical with the 5th section of the 14th amendment. The meaning of the two sections is exactly the same. There is a very slight difference in phraseology, however. Section 5 of the 14th amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Owing to the similarity of these two provisions of the Constitution, decisions under the 14th amendment as to what legislation is appropriate to enforce the 14th amendment are applicable to the question as to what legislation is appropriate to enforce the provisions of the 15th amendment. This is true not only because of the similarity of the two enforcement clauses but also because the 1st section of the 14th amendment, like the 1st section of the 15th amendment, is a prohibition upon the action of States, insofar as is relevant here.

It is well to remember that there is a great difference between legislation on the part of Congress which is appropriate to enforce an affirmative grant of power to Congress and legislation which is appropriate to enforce merely a prohibition on State action.

I call attention to a few decisions which make it plain that Congress has no power to enact any legislation to control State and local elections except, to some extent, under the equal-protection-of-the-law clause, which power is only the power to prevent treating one group of citizens differently from another group of citizens in the same circumstances or under the 15th amendment.

As a consequence, so far as the legislation is designed to prohibit a State preventing any man or woman who is a citizen of the United States from voting on account of race or color, the 15th amendment is controlling.

One of the early cases on the 15th amendment is that of *United States* v. *Belvin* (46 Federal 381), the decision which was handed down in 1891. In his opinion in that case, Judge Hughes, of the Circuit Court for the Eastern District of Virginia, said:

> No constitutional statute could be passed by Congress relating to State and municipal elections, except for the express purpose of protecting voters from being hindered or prevented from voting on account of their race, color, or former slavery.

One of the greatest judges which the Nation has known was Judge Lurton, who was for many years a circuit judge for the sixth circuit. In the case of Lackey against United States, Judge Lurton had occasion to interpret the 15th amendment. On this point the judge said:

> But whether the power of Congress to legislate in respect to congressional elections depends upon the effect of the second and fourth sections of article I of the Constitution, or arises out of the implied power to protect such elections against violence and fraud because they are Federal elections so far as Federal officials are thereby directly chosen, it is very obvious that, whether such power be attributed to either the one or the other source, it furnishes no reason for any interference at a purely State election.

A little further, at page 118 of No. 107 "Federal Reporter," Judge Lurton said:

> That amendment—

Referring to the 15th amendment—

> does not confer a right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to prohibit discrimination by the United States and by the States "on account of race, color, or previous condition of servitude."

Then on page 119, Judge Lurton said:

> Having held that Congress was only authorized to interfere with the voting at a State election when the wrongful refusal to receive and count a vote is because of race, color, or previous condition of servitude, the court held that the two sections—

That is, the two sections of the Enforcement Act of 1870—

> were beyond the limit authorized by the 15th amendment.

Then on page 120 of the decision in the Lackey case, Judge Lurton said:

> If the right conferred, secured, or guaranteed by the 15th amendment is not the right of suffrage, but the right of exemption from discrimination in the exercise of the elective franchise on account of race, color, etc., then the legislation which Congress is authorized to enact in respect of voting at State elections by that amendment must be limited to acts which prevent or punish the discrimination therein forbidden.

The same great judge wrote another leading opinion on this question in the case of Karem against United States, which is reported in 121 Federal 250. I read from page 254:

> But the power of Congress to legislate at all upon the subject of voting at purely State elections is entirely dependent upon the 15th amendment.

Then he quoted from the Cruikshank case as follows:

> The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Then he proceeded as follows, as appears on page 255:

> The 15th amendment is therefore a limitation upon the powers of the States in the execution of their otherwise unlimited right to prescribe the qualification of voters in their own elections, and the power of Congress to enforce this limitation is necessarily limited to legislation appropriate to the correction of any discrimination on account of race, color, or condition. The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the State, the power of the State to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.

There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to State action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition.

In the same opinion, Judge Lurton stated as follows, as appears on page 258:

Appropriate legislation grounded on this amendment is legislation which is limited to the subject of discrimination on account of race, color, or condition.

And now I read from page 261, where we find that Judge Lurton said, also on this subject:

Assuming that exemption from discrimination at a State election is a "right or privilege secured by the Constitution or laws of the United States," it is a right which originates only in the 15th amendment, and can only be enforced by legislation directed to State action in some form, by which otherwise qualified voters are denied the elective franchise on account of race or color. This is the limit of the power of Congress under the article.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose, if it is understood that in doing so I shall not lose the privilege of the floor.

Mr. KEATING. Mr. President, I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Then, Mr. President, I rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the Carroll amendment.

Mr. KEATING. I thank the Chair.

Mr. MANSFIELD. Mr. President, with the same understanding, will the Senator from North Carolina yield to me, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. Yes, with the same understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. May the Carroll amendment be read at this time?

The PRESIDING OFFICER. Without objection, the Carroll amendment will be read at this time.

The LEGISLATIVE CLERK. On page 17, in lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following:

The applicant shall be heard ex parte, and and all hearings conducted as a part of any such proceeding shall be open to the public.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is this the same amendment as the one which was submitted on yesterday?

The PRESIDING OFFICER. It is.

Mr. MANSFIELD. Does the amendment have any cosponsors?

The PRESIDING OFFICER. Not to the knowledge of the Chair.

Mr. MANSFIELD. Then I understand that this is the original Carroll amendment.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield again to me, to permit me to propound a further parliamentary inquiry?

Mr. ERVIN. Yes, if it is understood that in yielding for that purpose, I shall not lose the privilege of the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Mr. President, my parliamentary inquiry is as follows: Is the pending amendment to the Kefauver amendment number one or number two?

The PRESIDING OFFICER. The Chair is advised that until the committee amendment appears in the bill, following adoption of the amendment by the Senate, the amendment does not have a specific designation.

The Carroll amendment pertains to page 17 of the bill as printed, in lines 20 through 25.

Mr. KEATING. But the Senator from Tennessee modified his amendment. My question is whether the Carroll amendment is addressed to the original Kefauver amendment or to the modified Kefauver amendment.

The PRESIDING OFFICER. The Chair is advised that although a modification has been suggested, it has not yet been made a part of the amendment.

Mr. KEATING. Then am I to understand that the Senator from Tennessee has not formally modified his amendment?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. JOHNSTON of South Carolina. Mr. President, in order to clarify this matter, I believe it would be well—without causing the Senator from North Carolina to lose the floor—to suggest the absence of a quorum, and thus permit the Senator from Tennessee [Mr. KEFAUVER] to come to the Chamber, to clarify this situation.

Mr. KEATING. I think clarification is much needed.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may permit this colloquy to continue without losing my right to the floor; otherwise, I shall have to ask the Chair to protect me in my right to the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor, and is protected in his rights to it.

Mr. ERVIN. I thank the Chair. Under these circumstances, Mr. President, if either Senator wishes me to yield—without causing me to lose my right to the floor—I shall be glad to yield.

The PRESIDING OFFICER. The Chair is advised that what has been referred to as the Kefauver amendment is a committee amendment, and is not the pending question.

The pending question is on agreeing to the Carroll amendment.

Mr. JOHNSTON of South Carolina. Mr. President, that is one reason why I want the Senator from Tennessee [Mr. KEFAUVER] to be in the Chamber at this time—to clarify the parliamentary situation in which we now find ourselves. I think both the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Colorado [Mr. CARROLL] should be present at this time.

Mr. KEATING. I am afraid that would only complicate the matter even more, rather than clarify it.

Inasmuch as I have been in the Chamber throughout the proceedings, I feel certain that the amendment offered by the Senator from Colorado was offered to the committee amendment.

The PRESIDING OFFICER. That is correct.

Mr. KEATING. And that the committee amendment was offered in the committee by the Senator from Tennessee [Mr. KEFAUVER], and that he endeavored—although perhaps unsuccessfully—to modify his amendment here on the floor.

The PRESIDING OFFICER. There has been no modification made on the floor. It was an amendment to the committee amendment.

Mr. JOHNSTON of South Carolina. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me for the purpose of propounding a suggestion at this time, with the understanding that it will not interfere with the Senator's right to the floor when we finish with it. I should like to raise the point of no quorum, if it does not interfere with the Senator's right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Does the Senator from North Carolina wish to yield for that purpose?

Mr. ERVIN. If I can yield for that purpose without losing my right to the floor, I will do so.

The PRESIDING OFFICER. Under those conditions it is in order. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ABERNETHY, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, Mr. DAGUE, and Mr. MCINTIRE were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison, and it was signed by the President pro tempore.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I am informed that there are enough speakers today so that we do not expect to have a yea-and-nay vote on any amendments, and we shall probably adjourn at about 7 o'clock. So, in order that the attachés of the Senate and Senators may make their plans accordingly, I think they can understand we do not expect any rollcalls today. We hope we shall be able to get a vote tomorrow. It may be that the Carroll amendment will be modified, and that will be the amendment we shall have our first vote on. I expect the Senate to remain in session as late as possible tomorrow evening, so long as any action can be taken. If it appears tomorrow evening that Senators do not care to vote, I shall not desire to ask the Senate to stay in session when nothing can be accomplished. But Senators can make their plans not to expect any rollcalls between now and 7 o'clock. Sometime in the vicinity of 7 o'clock, either a little before or a little afterward, we will adjourn pursuant to the order entered.

Now I suggest the absence of a quorum——

Mr. PASTORE. Mr. President, will the Senator withhold that request?

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Does the Senator expect to have a Saturday session? Can he say at this time?

Mr. JOHNSON of Texas. No, I cannot. If I can accomplish anything by having a Saturday session, I will have one. We shall see tomorrow how things go.

LEAVE OF ABSENCE

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

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Mr. President, I ask unanimous consent to be officially excused from attending the sessions of the Senate until Monday next, in order to discharge my obligations in matters very important in my own State of Rhode Island.

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

Mr. PASTORE. Mr. President, I should like to have the RECORD show that I am opposed to the Kefauver amendment to the pending civil rights bill (H.R. 8601).

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, is it agreeable to the Senator from North Carolina for me to suggest the absence of a quorum?

Mr. ERVIN. Yes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, I am informed that we have a conference report on the important District of Columbia appropriation bill, and that there is no controversy involved in it.

I ask unanimous consent that the Senator from Rhode Island [Mr. PASTORE] be recognized to present that report and that, when the Senate shall have concluded action on it, the Senator from North Carolina [Mr. ERVIN] be recognized.

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

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Mar. 30, 1960, pp. 6971–6972, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the conference report provides for appropriation of a total of $239,470,433. This sum is $618,719 less than the amount recommended in the Senate bill; is $2,352,157 above the amount proposed in the House bill; and is $2,932,567 less than the total budget estimates.

In order that Members of the Senate and other interested persons may know the appropriation details, I ask unanimous consent to have printed at this point in the RECORD a summary of the 1961 appropriation bill for the District of Columbia.

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

District of Columbia—Summary of bill

FEDERAL PAYMENT

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Federal payment to District of Columbia (general fund)	$25,000,000	$32,000,000	$25,000,000	$26,000,000	$25,000,000
Federal payment to District of Columbia (water fund)	1,532,000	1,661,000	1,661,000	1,661,000	1,661,000
Federal payment to District of Columbia (sanitary sewage works fund)	686,000	872,000	872,000	872,000	872,000
Total, Federal payment	27,218,000	34,533,000	27,533,000	28,533,000	27,533,000

District of Columbia—Summary of bill—Continued

LOAN AUTHORIZATIONS

(Out of the general revenues of the Federal Treasury)

Item	Authorizations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Loans to District of Columbia for capital outlay, general fund	$20,000,000	$14,500,000	$14,500,000	$15,900,000	$15,900,000
Loans to District of Columbia for capital outlay, highway fund	13,100,000	3,500,000	3,500,000	3,500,000	3,500,000
Loans to District of Columbia for capital outlay, water fund	1,200,000				
Loans to District of Columbia for capital outlay, sanitary sewage works fund		700,000	700,000	700,000	700,000
Total, loan authorizations	34,300,000	18,700,000	18,700,000	20,100,000	20,100,000

APPROPRIATIONS

(Out of the revenues of the District of Columbia)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
OPERATING EXPENSES					
Executive Office	$590,000	$624,000	$576,300	$609,259	$599,260
Department of General Administration	5,119,000	5,831,000	5,719,500	5,719,500	5,719,500
Office of Corporation Counsel	755,000	823,000	798,500	798,500	798,500
Regulatory agencies	1,570,500	1,665,500	1,621,000	1,639,600	1,629,000
Department of Occupations and Professions	327,000	345,000	337,600	342,000	342,000
Public schools	46,882,000	49,115,000	49,232,700	49,232,700	49,232,700
Public Library	2,478,000	2,698,000	2,688,000	2,688,000	2,688,000
Recreation Department	2,647,100	2,994,000	2,855,600	2,855,600	2,855,600

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Metropolitan Police	$22,156,000	$23,800,000	$23,217,000	$23,748,100	$23,517,000
Additional municipal services, inaugural ceremonies		229,000	200,000	200,000	200,000
Fire Department	10,547,000	19,959,000	10,940,000	10,948,000	10,940,000
Department of Veterans' Affairs	107,000	109,500	109,500	109,500	109,500
Office of Civil Defense	60,000	136,000	60,000	107,000	90,000
Department of Vocational Rehabilitation	247,000	304,000	300,000	300,000	300,000
Courts	5,396,000	5,675,000	5,627,900	5,645,320	5,633,600
Department of Public Health	34,883,076	37,319,000	36,551,476	36,910,473	36,910,473
Department of Corrections	6,000,000	7,068,000	7,000,000	7,000,000	7,000,000
Department of Public Welfare	17,370,000	19,508,000	19,000,000	19,145,000	19,145,000
Department of Buildings and Grounds	2,435,000	2,548,000	2,538,000	2,538,000	2,538,000
Office of Surveyor	200,000	205,000	205,000	205,000	205,000
Department of Licenses and Inspections	2,294,000	2,487,000	2,460,900	2,469,800	2,465,000
Department of Highways and Traffic	8,045,000	8,515,000	8,415,000	8,489,600	8,441,000
Department of Motor Vehicles	1,202,000	1,305,000	1,270,600	1,295,500	1,291,600
Motor Vehicle Parking Agency	230,000	187,000	187,000	187,000	187,000
Department of Sanitary Engineering	15,080,000	15,880,000	15,860,000	15,860,000	15,860,000
Washington aqueduct	2,480,000	2,636,000	2,616,000	2,616,000	2,616,000
National Guard	168,000	171,000	172,700	172,700	172,700
National Capital Parks	3,074,000	3,275,000	3,260,000	3,260,000	3,260,000
National Zoological Park	1,125,000	1,272,000	1,228,000	1,272,000	1,250,000
Personal services, wage-scale employees	1,543,000				
Total, operating expenses	[1] 195,010,676	207,684,000	205,048,276	206,365,152	205,996,433
CAPITAL OUTLAY					
District Debt Service	939,000	1,577,000	1,577,000	1,577,000	1,577,000
Public building construction	13,866,400	6,393,000	4,369,000	6,023,000	5,773,000
Department of Highways and Traffic	18,039,000	13,516,000	13,100,000	13,100,000	13,100,000
Department of Sanitary Engineering	10,215,000	13,059,000	12,900,000	12,900,000	12,900,000
Washington aqueduct	3,500,000	100,000	50,000	50,000	50,000
Motor Vehicle Parking Agency	125,000	74,000	74,000	74,000	74,000
Total, capital outlay	46,684,400	34,719,000	32,070,000	33,724,000	33,474,000
Grand total	[1] 241,695,076	242,403,000	237,118,276	240,089,152	239,470,433

[1] In addition, $10,602 was appropriated for settlement of claims and suits.

Mr. PASTORE. Mr. President, if there are any questions with regard to the conference report, I shall be glad to try to answer them at this time.

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

Mr. PASTORE. I yield.

Mr. MANSFIELD. What is the status of the item which deals with the increase for the police force for the District of Columbia?

Mr. PASTORE. The House of Representatives originally allowed 50 patrolmen, of the 150 asked by the District Commissioners. We restored the other 100, through an item of $531,000. In conference we agreed to the sum of $300,000, which will allow an increase of 56 new police officers over the number allowed by the House.

Mr. MANSFIELD. I thank the Senator. I express the hope that if Chief Murray and the District Commissioners find it advisable, and they feel they need more police officers for the District of Columbia, they will come to the Congress with a supplemental request later.

Mr. PASTORE. We discussed that matter in quite some detail in conference. The House conferees were of the feeling, since there were 54 vacancies at the present time, of the 100 we allowed last year, as the Senator from Montana will recall, that the police department would have a difficult task recruiting the full contingent. We agreed in conference that we would watch this item very, very closely.

While there is no binding agreement to that effect, if it should arise that the full number of police officers is recruited and there is found to be a further need for the difference between the 56 and the 100, that might be provided for through some supplemental budget in the future.

Mr. President, if there are no further questions I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10233, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
March 30, 1960.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in

whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes."

That the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

That the House insist upon its disagreement to the amendment of the Senate numbered 1.

Mr. PASTORE. Mr. President, I move that the Senate recede from its amendment No. 1.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from North Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield to me so that I may make an insertion in the RECORD with respect to the distinguished senior Senator from Georgia?

Mr. ERVIN. I shall be happy to yield to the Senator for that purpose. Mr. President, I ask unanimous consent that I may do so without losing my right to the floor.

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

TRIBUTE TO SENATOR RUSSELL

Mr. STENNIS. Mr. President, recognition for one's abilities and achievements may come in several ways. It may be evinced by awards, plaques, or other tangible tokens. It may come in a kindly and affectionate feeling from one's associates and colleagues. It may also come in the form of admiration from an adversary.

Certainly no one in the Senate is held in higher esteem than the senior Senator from Georgia [Mr. RUSSELL]. Many of our truly worthwhile programs had their chance because of his legislative efforts. His influence in matters of national defense, the life of our farmers, and of all Americans everywhere, has been enormous, and it has been an influence born of true statesmanship.

The senior Senator from Georgia is also a constitutionalist. He has demonstrated time and again his love for our Constitution, our State-Federal union and the form of government that has led this Nation to a position of world leadership.

He has been consistent in his support of constitutional government and of the separation of powers among the branches of the Federal Government. Because of his dedication to our form of Government, and because he is a student of our Constitution and our laws, he has risen to a position of leadership in the Senate and has become the vanguard of those among us here who are seriously concerned about the so-called civil rights bills introduced in great quantities annually.

From the standpoint of the national press the position he has taken is unpopular. Nevertheless, on at least two occasions recently he has been the main subject of feature articles in papers whose position on this question is contrary to his own. This is admiration from the adversary.

Mr. President, I think two recent newspaper articles should be perpetuated and also should have further distribution. Therefore, I ask unanimous consent that these two articles—one from the Washington Post and Times Herald of March 6, 1960, and the other from the New York Post of March 11, 1960—be printed at this point in the RECORD.

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

[From the Washington Post, Mar. 6, 1960]

THIS "TALKIE" PLANNED LIKE LEE'S BATTLES

(By Robert C. Albright)

When the Senate last Monday deliberately set out to talk its way around the clock for as many hours, days, or weeks as were needed to resolve pent-up civil rights issues, there was something remarkably different about its approach.

Here was not the sudden welling up of the emotions of an oppressed Senate minority, or a play to the grandstand by an individual prima donna, such as marked the many talkathons of the past.

Instead, the Senate knew exactly what it was doing. This was a cold, calculated effort undertaken after 5 months' notice to all parties. It was planned with the precision of a military campaign.

About the only thing still uncertain is how it all will come out.

A SIMPLE PROBLEM

What it gets down to is this: A large majority of the Senate wants to do something about civil rights problems, particularly the basic issue of Negro suffrage in the South. The only way these Members can get to a vote on those problems is by wearing down physically the 18-member southern opposition or by mustering a two-thirds majority of Senators present to shut off their talk.

Every circumstance would seem propitious to reasonable success of the effort.

Senate Majority Leader LYNDON B. JOHNSON, though hailing from Texas, called up the issue and pledged himself to do all in his power to give the Senate an opportunity to vote.

The Senate Republican leader, EVERETT M. DIRKSEN, of Illinois, worked with him. In fact, the administration civil rights proposals sponsored by DIRKSEN just happen to be the Senate's pending business.

The Senate's unwieldy cloture (debate shutoff) rule was changed at the start of the last session, on JOHNSON'S motion, to require the approval of only two-thirds of those present and voting, instead of two-thirds of the entire Senate, to silence the talk.

Addition of the two stars to the flag since the last southern filibuster seemed to add to the accumulating evidence that the old-fashioned Dixie talkathons were doomed. With two Senators each from Alaska and Hawaii, Senate membership increased from 96 to 100 while all-out southern opposition to civil rights dropped from 22 and more in another era to 17 or 18.

For months now, stories have been written about the deteriorated position of the southern minority in the Senate. But they may have reckoned without Senator RICHARD BREVARD RUSSELL (Democrat, Georgia), the man deploying his thin southern forces much as Lee did in the Wilderness.

A WIDESPREAD TALENT

The lone "filibustero" (a word cribbed from West Indian buccaneers) has long had his occasional place in the sun. Iron-lunged Huey Long was one of them. His 15½-hour speech about how to make potlikker, fry oysters, and mix Roquefort cheese dressing became folklore. But it failed to make a dent in the NIRA Act of 1935.

Senator STROM THURMOND (Democrat, of South Carolina) lost the sympathy of his own southern colleagues when he walked off with the alltime filibuster record of 24 hours 18 minutes against the 1957 civil rights bill. Why did the southerners snoot THURMOND? Because his was strictly a one-man show and not a team effort. The southerners, by and large, went along with the 1957 civil rights compromise.

Before THURMOND captured the individual title, a couple of nonsouthern independents had proved that no section has a monopoly on long talk.

The late Senator Robert M. La Follette, Sr. (Wisconsin) once held the floor for 18 hours 23 minutes against the Aldrich-Vreeland financial bill, sustained by drinking a punch of milk and eggs and demanding frequent quorum calls.

And Oregon's Senator WAYNE MORSE, while on the way to becoming a Democrat, ticked off 22 hours 26 minutes, fruitlessly as it turned out, against the tidelands offshore bill of 1953.

These were all legendary, windmill-charging achievements somehow brought off by lone men before Senator RUSSELL perfected the art of the really organized filibuster.

During the nearly three decades RUSSELL has served in the Senate, he has become an authority on agricultural and armed service problems. He has a quick tongue and one of the best minds in the Senate. The Senate listens when he speaks. But for most of those years, RUSSELL'S great talents have been funneled into one extracurricular activity—frustrating the wishes of the northern Democratic majority.

THEY SHALL NOT PASS

Who at this hour is the Senate's Ulysses S. Grant may be open to question, but there never has been any doubt who is the Senate's Lee. As chairman of the southern Democratic caucus, he has mounted guard in the Senate, or posted sentinels in his absence, to see that no civil rights bill ever slipped through. The lone exception was the 1957 civil rights bill, and he helped determine the shape of that.

Some have suggested, not unkindly, that had RUSSELL directed the same energy and parliamentary skills into other channels, he would rank with the Senate's alltime great.

As it is, he will go down in Capitol Hill lore as the man who made an indelible print on Senate cloture history and coached the humdinger of all southern filibusters—the coldly methodical blocking action now in progress.

In its early years, the Senate had no cloture rule. It had no filibusters, either. From 1789 to 1806, debate could be ended abruptly by calling for the previous question.

From 1806 to 1917, there was no limit on talk at all. But the filibuster-to-the-death of President Wilson's armed neutrality bill by "a little group of willful men" who, Wilson said, "have rendered the great Government of the United States helpless and contemptible," ended that era of unlimited debate.

The result was the Senate's famed rule XXII, permitting two-thirds of the Senators present and voting to cut off debate.

When the Senate in 1949 tried to forge the rule into a stronger antifilibuster weapon, it was Georgia's RUSSELL, skillfully parrying every liberal move, who turned it instead into reinforced protection for the southerners.

When the revision was completed, cloture not only required the approval of two-thirds of the entire Senate (a so-called constitutional two-thirds), but a clause had been added permitting unlimited talk on a motion to change the rules.

In fact, RUSSELL did so good a job (for the southerners) that the Senate turned out in full voice at the start of the 1959 session in an effort to loosen the rule. What it finally adopted was an amendment by JOHNSON restoring the simple two-thirds of those present and voting requirement.

JOHNSON, therefore, is facing a double hazard in the present civil rights test. Not only is he virtually bound, by 1959 commitments, to put a civil rights bill through Congress. But if he tries and fails to muster the 67 votes needed for cloture, his prestige almost certainly will take a drop.

It was JOHNSON'S amendment which modified the rule, so colleagues say it is now up to JOHNSON to show that it will work.

As for the prematurely "doomed" southern filibuster, RUSSELL, too, has much to gain, more to lose, in the present Senate marathon.

If the around-the-clock southern word-wielders are beaten down physically, weakened by attrition or stopped short it could lead to the end of southern filibusters.

But if the "filibusteros" win this one, RUSSELL'S new three-shift technique (speak 1 day and rest 2) could pave the way for many another victory for the RUSSELL-disciplined, 18-man southern army.

Once again, northern Democrats could be learning to their sorrow that it isn't who gets there fustest with the mostest, but who gets there last with the mostest words.

At the Capitol, some Democrats dream fondly, however, of the day when the civil rights blemish which now splits their party will be an unlovely memory. For a time, they thought they had a possible answer in the 1957 voting rights bill.

If Negroes could and would exercise their franchise as citizens, it was argued that, through the process of the ballot, all the other civil rights would come in good time.

This is still the hope of many of those at the center of the battle to write a more effective voting rights bill. But in every cold dawn of a filibuster, it seems a bleak hope indeed.

[From the New York Post, Mar. 11, 1960]

GEORGIA'S SENATOR RUSSELL: LEADER OF THE FILIBUSTER

(By William V. Shannon)

Roy Wilkins, of the National Association for the Advancement of Colored People, said the other day, in the course of an attack on the leadership of both parties in the Senate, that "the real leader in the Senate, the real 'man who gets things done,' is Senator RUSSELL, of Georgia."

This is one of those statements that is both true and not true. It is true in the sense that RUSSELL commands great power and that he is often in the position of making other Senators, including the majority and minority leaders, come to him and settle on his terms.

However, in another sense, it is untrue because in the field of civil rights, which currently preoccupies him, all that RUSSELL can dictate are the terms under which he will retreat.

He can slow the onward course of the opposition. He can avoid surrender. But he cannot ultimately win a total victory.

This is not to say that he concedes anything. RICHARD BREVARD RUSSELL at 62 has served in the Senate for 27 years and for more than a decade has been the unchallenged boss of the southern bloc. Although "speechifying" is not his strong point, he knows how to put a good face on any case.

"I have hopes that the country is going to get the truth about this so-called civil rights bill," he said this week.

"This is a bogus issue. It is tailored by political organizations who are out to get the votes of Negroes in New York and other Northern States."

RUSSELL has no new or uniquely personal arguments to contribute to the controversy over civil rights. He offers what might be called the time-tested, standard white Southern arguments. Thus, he describes cloture as "a gag rule." He defines the filibuster as the "exercise of the right of free speech in the Senate of the United States." He regards the NAACP and other Negro organizations as "stirring up race haters and bad feeling." He denies categorically that Southern Negroes are denied the right to vote or otherwise discriminated against.

What of the lunchroom sit-ins and other evidences of Negro unrest in the South?

"No one should try to change the customs of the community by force," RUSSELL said. "I know the Negro people of my State. I have worked with them and understand them. There is no ill will between the white and colored races and no problem that cannot be worked out if the people of each State are left to take care of their own affairs."

Then he added: "Force bills and Federal interference are not going to solve anything."

Behind the stock arguments and the somewhat mangy rhetoric, what kind of a man is RICHARD RUSSELL? Newspaper accounts in recent weeks have compared him to Lee leading the thin, wavering line of Confederate troops in a final defense of the Old South. The defect in this analogy is that it suggests that RUSSELL and his cohorts are full of militancy and eagerness.

RUSSELL actually communicates a kind of weariness and stoicism. This is expressed not in his words but in his tone of voice, his gestures, his general demeanor. His racial views are sincerely held; he is not, for example, like Senator FULBRIGHT, Democrat, of Arkansas, who detests the whole issue and who could just as easily represent Connecticut if that were possible. RUSSELL believes in segregation and when he defends it on the floor or in private conversation a note of authentic passion comes into his voice as he gets worked up.

But once the argument has died away, he turns quickly and easily to other subjects. He is not obsessed by this problem.

According to a fellow southern Senator, RUSSELL remarked privately the other day: "It will be a relief to get away from this and back to working on the real business of the country."

RUSSELL, in his strengths and weaknesses and limitations, is an almost exactly typical representative of the white southern middle class. He was born and still lives in Winder, a small, prosperous town in northeast Georgia.

This part of the State is just south of the Blue Ridge Mountains in the rolling, hilly country of the lower Piedmont. The rich, cotton "black belt" lies a short distance to the south. Lumbering and the large-scale raising of chicks (broilers and fryers) have replaced cotton as the leading cash "crops" in RUSSELL'S home area. Winder has mills which are the largest manufacturers of work clothes in the country.

This area has somewhat fewer Negroes than central and south Georgia. The surrounding county in the last census had 10,500 whites and only 2,500 Negroes.

RUSSELL was born on November 2, 1897, the fourth of 15 children. His father was a self-made lawyer of humble background who worked himself up to become chief justice of the State supreme court. RUSSELL followed the classic lawyer-politician route. He attended the local public schools, earned his bachelor of laws degree from the University of Georgia, served 7 months as a naval reservist, and then hung out his shingle.

In 1920, at 23, he was elected to the lower house of the State legislature. Six years later, at 29, he became speaker and in another 4 years at 33, Governor.

He served one term, from 1930 to 1932. It was the bottom of the depression and he was a balance-the-budget, economy-first Governor. He cut State salaries, including his own, and reorganized the State government, reducing the number of departments, bureaus, and commissions from 102 to 17.

During RUSSELL'S second year in office, an incumbent U.S. Senator died. RUSSELL ran for the unexpired portion of his term, was elected, and took his seat in January 1933. At 35, he was the "baby" of the Senate. He faced a tough struggle for reelection in 1936, when he was opposed by Gov. Eugene Talmadge, father of HERMAN, who is now RUSSELL'S colleague in the Senate. RUSSELL defeated "Ole Gene" handily and has never since had serious opposition in the Democratic primary. He is expected to be routinely reelected this year for another 6-year term.

Over the years, RUSSELL has climbed the Senate seniority ladder to a position of enormous power.

He is chairman of the Armed Services Committee. He is second to Senator HAYDEN, Democrat, of Arizona, on the Appropriations Committee. When the aged HAYDEN retires, RUSSELL will succeed him in the honorific post of President pro tempore of the Senate. As chairman of the Agriculture Appropriations Subcommittee, RUSSELL is a power on all farm programs.

He is also a member of the Joint Committee on Aeronautics and Space and the Joint Committee on Atomic Energy. Within the Democratic Party hierarchy in the Senate, he is a member of the party's policy and steering committees.

RUSSELL is not only the senior member of the "inner club" of the Senate. He is practically Mr. Club.

The question is often asked why RUSSELL is held in such high personal esteem by leaders of the Democratic Party who disagree with him completely on the critical issue of civil rights. Adlai Stevenson, for example, has always maintained friendly relations with him. Harry Truman wrote in his memoirs: "I believe that if RUSSELL had been from Indiana or Missouri or Kentucky he may very well have been the President of the United States."

There are several reasons for this high standing. One is that he campaigned for Al Smith in 1928. He was for Roosevelt in 1932 and stayed on good terms with him throughout his time in the White House. He was the southern candidate against Truman at the 1948 convention, polling 263 votes. But when Truman was renominated, RUSSELL refused to have anything to do with the Dixiecrat bolt.

RUSSELL also has a liberal record on many domestic issues. He voted for almost all of the basic New Deal legislation. He was the legislative sponsor of the school-lunch program. Because of his strategic position on the Appropriations Committee, he was instrumental in sustaining certain Roosevelt-Truman programs such as rural electrification, soil conservation, and the TVA.

Through most of his career in the Senate, RUSSELL has also had a good record in foreign affairs. He supported Roosevelt before Pearl Harbor. After the war, he consistently voted for the United Nations, the North Atlantic Treaty, and the Marshall plan. In recent years, he has soured on foreign aid and voted to cut it.

RUSSELL'S record on many matters is creditable. Truman has reason to recall him with gratitude because RUSSELL was of great

help in getting through the armed services unification law in 1947 and as chairman of the committee conducting the MacArthur hearings in 1951, was of invaluable assistance in sustaining Truman's Korean policy in Congress.

If a liberal Democrat is elected to the White House this fall, much as he would dislike RUSSELL'S civil rights views, he could scarcely transact the affairs of the Government in the military and agricultural fields without enlisting RUSSELL'S cooperation.

It is also important to note in understanding RUSSELL'S power that he usually keeps his strong opinions under control. He rarely indulges in wounding personal remarks. And it would be almost impossible to conceive of him saying, as Senator EASTLAND, Democrat, of Mississippi, did last week, that a Supreme Court decision was "crap."

RUSSELL is usually suave and courteous even with those he distrusts. He is the old school politician who "demagogs a bit," as one southern newspaperman put it, "but who is basically a serious fellow." This scarcely endears him to Negroes or liberals, but it makes his political strength comprehensible.

Mr. STENNIS. I thank the Senator from North Carolina.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

THE PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I have read to the Senate some decisions of the Federal courts holding, in effect, that the power of Congress to legislate in respect to State and local elections is derived from the 15th amendment; that the 15th amendment is a prohibition upon State action and not an affirmative grant of power to Congress; and that, in consequence, the only legislation by Congress appropriate to enforce the 15th amendment is legislation which merely enforces a prohibition; that is, which prevents a State from denying or abridging the right of any citizen of the United States to vote on account of race or color.

As I have stated before, the first section of the 14th amendment, like the 15th amendment, is a prohibition upon State action and not an affirmative grant of power to Congress. Decisions under the 5th section of the 14th amendment, are relevant in determining the proper interpretation to be placed upon the 2d section of the 15th amendment.

I should like to invite attention to certain decisions of the Supreme Court in respect to the 5th section of the 14th amendment. Before I do so, however, I should like to invite the attention of the Senate to a decision of the Supreme Court of the United States which relates in part to the privilege of voting.

I refer to the case of the *United States* v. *Reese*, 92 U.S. 214. I wish to read a passage which appears upon page 318:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another, on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous conditions of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."
>
> This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

In the Reese case, from which I have just read, the court proceeded further and held that the statute involved in that case, which undertook to compel a State election official to permit a citizen to vote upon his affidavit as to his own qualifications was unconstitutional under the the fifth amendment, because the statute did not make a condition precedent that the voter had been deprived of the right to vote on account of his race, color, or previous condition of servitude. I cite this case because it shows that any act of Congress which undertakes to control in any way the right to vote in a State election, as distinguished from an election for Senators or Representatives, is necessarily unconstitutional unless it is based upon the condition precedent that the voter in question has been denied the right to vote because of his race, color, or previous condition of servitude.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Michigan for a question.

Mr. McNAMARA. I thank the Senator.

The Senator makes reference to the 14th amendment, and he points out over and over that this is a negative or restrictive amendment. Section 2 of the 14th amendment is a positive section, is it not?

Mr. ERVIN. Yes.

Mr. McNAMARA. It states that positive action shall be taken if people are denied the right to vote.

Mr. ERVIN. That is why I specifically referred to the first section of the 14th amendment rather than the second section.

Mr. McNAMARA. I presume we must take into consideration that section 2 is a part of the 14th amendment.

Mr. ERVIN. Of course section 2 is a part of the 14th amendment, but the point I am making is that the first section of the 14th amendment, like the first section of the 15th amendment, is a section which operates only by way of prohibition against certain actions.

Mr. McNAMARA. I agree with the Senator; yet the way he phrased it, it would seem that the whole section was negative. However, the language indicates that—

> the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

That is a positive section.

Mr. ERVIN. It is certainly not merely a prohibition on State action. The Senator from Michigan is correct. I agree with his observation. I make the further observation that the pending bill is not in any wise based upon the second section of the 14th amendment.

Mr. McNAMARA. But such an amendment may be offered.

Mr. ERVIN. It may be offered; and I agree with the Senator from Michigan that it would not be covered by my argument dealing only with a prohibition upon actions, as distinct from an affirmative grant of power.

Mr. McNAMARA. I thank the Senator.

Mr. ERVIN. There is a summation of the power of Congress in respect to elections in 18 American Jurisprudence, under the heading "Elections," section 8, pages 185, 186, and 187. I wish to read this sentence from that statement:

> The power of Congress to legislate at all upon the subject of voting at State elections, unless it may be with respect to elections for Senators and Representatives, rests upon the 15th amendment. The legislation authorized by this amendment is restricted; it extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

One of the great cases on the question of what kind of legislation is appropriate to enforce a prohibition upon such action is *United States* v. *Cruikshank* (92 U.S., pp. 553–554). It was said in this case:

> The 14th amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in *Bank of Columbia* v. *Okely* (4 Wheat. 244), it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the

established principles of private rights and distributive justice." These counts in the indictment—

Referring to the indictment under consideration—

do not call for the exercise of any of the powers conferred by this provision in the amendment.

In discussing this matter further in the same opinion, at pages 554 and 555, the Court had this further to say:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I wish to emphasize one of these statements:

That duty—

That is, the duty to accord to all persons the equal protection of the laws—

was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I argue upon the basis of that decision, and numerous other decisions of the Supreme Court, that Congress has no right under the 2d section of the 15th amendment to register voters or to undertake to pass upon the qualifications of voters to vote in State elections. I argue that under that decision and other decisions of the Supreme Court the only kind of statute which Congress can pass under the 14th amendment is a statute that carries into effect the prohibition against the State denying to a citizen of the United States the right to vote on account of race or color.

Congress does not have the power under the 2d section of the 15th amendment to take charge of the administration of voting laws of the State, or to take charge of the registration of voters, or to take charge of the passing upon the qualifications of voters. This is true because Congress has no affirmative grant of power here. All it can do by way of appropriate legislation is to compel the States to refrain from denying the right to vote to any citizen of the United States on account of race or color. For this reason I argue that the voting rights section of this bill now under consideration cannot be reconciled with appropriate legislation under the 2d section of the 15th amendment, particularly because the Federal Government under the pending bill would step in and by affirmative acts undertake to do what the State itself is required to do in the matter.

In this connection I wish to call attention to another decision of the Supreme Court of the United States, United States against Harris, which is reported at 106 U.S. 637. The Supreme Court said in that opinion:

It is clear that the 15th amendment can have no application. That amendment, as was said by this Court in the case of *United States* v. *Reese*, (92 U.S. 214)," relates to the right of citizens of the United States to vote. It does not confer the right of suffrage on anyone. It merely invests citizens of the United States with the constitutional right of exemption from discrimination in the enjoyment of the elective franchise on account of race, color, or previous condition of servitude.

In a further portion of the opinion, namely, the part on pages 637 to 639, the Court had this to say:

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the 1st and 5th sections of the 14th amendment. The 1st section declares "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 due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The fifth section declares "the Congress shall have power to enforce by appropriate legislation the provisions of this amendment."

It is perfectly clear from the language of the first section that its purpose also was to place a restraint upon the action of the States. In *Slaughter-House* cases (16 Wall. 36), it was held by the majority of the Court, speaking by Mr. Justice Miller, that the object of the 2d clause of the 1st section of the 14th amendment was to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States; and this was conceded by Mr. Justice Field, who expressed the views of the dissenting justices in that case. In the same case the Court, referring to the 14th amendment, said that "if the States do not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation."

The purpose and effect of the two sections of the 14th amendment above quoted were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank* (1 Woods, 308), as follows: "It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offences; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform 'the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform.'"

When the case of *United States* v. *Cruikshank* came to this Court, the same view was taken here. The Chief Justice, delivering the opinion of the Court in that case, said: "The 14th amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guarantee." 92 U.S. 542.

I wish to emphasize one sentence from the portion of the opinion which I have just read. That sentence reads:

The enforcement of the guarantee does not require or authorize Congress to perform "the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform."

That statement shows that the bill now before the Senate is beyond the power of Congress to enact, because it undertakes to authorize the Federal Government to perform the duty which the State owes under the 1st section of the 15th amendment. That being true, the bill goes beyond the power of Congress and cannot be sustained as appropriate legislation.

I should like to call attention to one more of the great decisions on this point under the 5th section of the 14th amendment, the case of *In re Rahrer* (140 U.S.), where the Court said, at pages 554 and 555:

The 14th amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the laws, did not invest, and did not attempt to invest, Congress with power to legislate upon subjects which are within the domain of State legislation.

As observed by Mr. Justice Bradley, delivering the opinion of the Court in the *Civil Rights* cases (109 U.S. 3, 13), the legislation under that amendment cannot "properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection."

Mr. President, I wish to emphasize the statement that the prohibitions of the 14th amendment "did not attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation."

Yet that is precisely what the bill undertakes to do in respect to voting rights in State and local elections. No one can gainsay that the States have complete rights in this field, subject only to

the limitation of the 15th amendment that they are prohibited from denying to any citizen of the United States the right to vote on account of race or color.

The bill transgresses the second section of the 15th amendment because, if the bill were enacted, it would represent an effort on the part of Congress to legislate upon subjects which are within the domain of State legislation.

Another great set of decisions on this point are the civil rights decisions of 1883. I shall not undertake to read extracts from them, but I commend their reading to every Member of the Senate before the vote on this particular bill, because the civil rights cases of 1883 make it clear that Congress, under the guise that it is enforcing a prohibition against State action, does not have the power to invade the province committed by the Federal Constitution to the States.

All that Congress can do is to enact legislation which is appropriate to compel a State, as distinguished from the Federal Government, to perform the duty of the State under the 15th amendment. That duty is simply to refrain from denying or abridging the right of any citizen of the United States to vote on account of race or color.

There are many strange provisions in the bill. To my mind, one of the strangest is that upon which the whole voting referee provision rests. That provision is found in lines 20, 21, 22, 23, 24, and 25, on page 15, and line 1 on page 16. That language reads:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

That provision is the only one in the entire voting rights section which makes any requirement that any court or any referee shall make any finding as to whether or not any person has been denied the right to register or to vote on account of race or color in violation of the 15th amendment. If that finding is made, according to the provisions of the bill, any person of the same race covered by the pattern or practice found can apply to the court or to a voting referee and can ask the court or the voting referee to adjudge that he is entitled to an order to vote in any election conducted anywhere, for any purpose, in the State in which the application is made.

There is no requirement that persons applying to the court or applying to the voting referee for such an order subsequent to the time of the finding in the original case shall be denied the right to register or to vote on account of his race or color. As a matter of fact, the bill does not permit anyone to call this matter into question under any circumstances, because the bill provides, in lines 1 to 12 on page 16:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court 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.

There is no requirement that a person who applies to a court or to a voting referee after the original finding is made shall prove the existence of the only condition upon which the power of the Federal Government to act at all in such cases depends, namely, that he has been deprived of the right to vote by State action because of his race or color.

That is certainly a strange provision, Mr. President—that a man should have his right to vote determined by the Federal Government, without first showing that the only condition upon which the Federal Government could act did exist. As a matter of fact, not only does this provision not require that the applicant to the judge or to the voting referee show the existence of the only condition under which that official could possibly act under the provisions of the 15th amendment, but the bill provides, in effect, that such an official could not even question that matter, that it could not even be put in issue.

In this connection, I should like to read certain questions asked by me of the Deputy Attorney General of the United States, Judge Walsh, and certain answers given by him in response to my questions, at the hearing before the Judiciary Committee. I read now from page 80 of those hearings:

> Senator ERVIN. Suppose a man has gone before the referee and the referee relates to the judge he has found in his report that he is qualified to vote under State law and he has applied for registration and been denied.
>
> Mr. WALSH. Yes, sir.
>
> Senator ERVIN. And makes, of course, no finding at all about the question of whether the denial was on the basis of race or color.
>
> Suppose the State attorney general or the State election officer files an exception. Can he put in issue the question of whether the applicant was not denied his right to register and vote on account of his race and color but was denied on other grounds?
>
> Mr. WALSH. He can show, he can put in issue, his qualification to vote or the fact of prior application. Those would be the only two issues.
>
> Senator ERVIN. In other words, he is denied the right to put in issue that the denial was not on account of race or color, and, therefore, that the Federal Government had no jurisdiction at all?
>
> Mr. WALSH. That is right. In other words, he cannot come in and say that "This man is not entitled to vote. I won't let him vote, but it was for some other reason."
>
> Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?
>
> Mr. WALSH. That is correct.

The only question is whether the man is qualified to vote, and whether he has applied to the Satte registrar for that purpose and tried to vote through the State machinery.

> Senator ERVIN. Even if the truth were that the denial was not on account of his race or color, but on some other ground?
>
> Mr. WALSH. Some other erroneous ground.
>
> Senator ERVIN. Then the State would not be allowed to contest the very condition on which the power of the Federal Government to act at all would depend.
>
> Mr. WALSH. In this phase of the proceeding, that is correct.
>
> Senator ERVIN. Well, can he do it before the judge?
>
> Mr. WALSH. No. The only two times, the only places, I mean the only opportunity for that would be if the State registrar wanted to prove that the pattern or the practice of discrimination had ceased, then he could litigate that before the judge, and ask him to vacate the whole referee setup.

Mr. President, that statement by Judge Walsh is correct, under the bill. But in this connection I should like to point out that the State would be denied the right to raise that question, and so would the State official, for at least 1 year after the finding made in that case.

I now read from page 81 of the hearings:

> Senator ERVIN. Well, that is certainly a remarkable thing to me because if there had not been a denial on the basis of race or color the Federal Government would have no power whatever as to this.
>
> Mr. WALSH. This whole machinery would not have been set up if there had not been proof of a pattern of racial discrimination.
>
> Senator ERVIN. Yet under this finding of practice or pattern, it would become conclusive, and not only conclusive, but it would deny to a State the right to even contest it thereafter.
>
> Mr. WALSH. No, Senator, just—the State or anyone else could contest it whenever they wished to prove that the pattern or practice of discrimination had ceased, but there is a 1-year period intervening.
>
> Senator ERVIN. For a year they could not even question it?
>
> Mr. WALSH. Yes, because otherwise you would be trying the same thing over again tomorrow that you just tried yesterday.
>
> Senator ERVIN. No, you are not, because you have somebody coming in before the voting referee who was not a party to the original case, and who was not even a beneficiary of the original case in that he was relied upon as being one of those who was deprived of his rights. And here for a year, even though the truth might be that there was no denial in the case of the people who come before the referee for the first time, on the basis of race or color, yet the State could not contest that for a year, although that would be the only basis on which the Federal Government would have any power whatever to act.
>
> Mr. WALSH. The State would lose the right to raise the issue that this man was turned down erroneously, but on some other theory.
>
> Senator ERVIN. In other words, the 15th amendment, the provisions of the 15th amendment, would, in effect, be suspended?
>
> Mr. WALSH. For that period.
>
> Senator ERVIN. For a period of a year.
>
> Mr. WALSH. No. The theory of the bill is that if you prove an underlying practice of discrimination, and then you prove they have turned down a qualified voter of the race that was discriminated against, that is enough for a year or until they prove that this pattern of discrimination has ceased.
>
> Senator ERVIN. In other words, even though the discrimination ceased as far as the State officials are concerned 1 minute after the adjudication as to pattern or practice as to other people, even though it ceased, they could not even show that fact.

Mr. WALSH. We risk this danger of coincidence that where a pattern of racial discrimination existed——

Senator ERVIN. If that is not nullifying the provisions of the 15th amendment for a period of a year, at least, I do not comprehend what nullification is.

Mr. WALSH. I recognize the point which you are driving at, Senator. It seems to us this came within the 15th amendment.

Senator ERVIN. In other words, on the basis of the finding of the denial of the rights of somebody else, some other men, other than the applicant who presents himself to the voting referee. The bill provides that the State cannot even show the next day that the election officer has ceased to discriminate, but there is a conclusive assumption, or presumption, or whatever you call it, which has to last for at least a year, under which the State cannot show that it has ceased.

Mr. WALSH. In other words, the presumption is that the election officer, if he turns down a man who is qualified to vote for that reason and not for some other erroneous reason, that is all he gives up is the right to turn him down for some other erroneous reason.

Senator ERVIN. The assumption is so strong that it cannot even be litigated and cannot be nullified or disproved by truth for a year.

That interpretation placed upon this bill by the Deputy Attorney General is a correct interpretation. In other words, when there is a finding by the court in the original case that there has been a practice or pattern of discrimination on the basis of race or color as to persons involved in the original case, then a conclusive assumption or presumption arises, which lasts for at least a year, that everybody else of that race who is turned down by the State officer, on any ground, has been turned down because of his race or his color.

What does that mean in plain English? It means what this proposal sets up is a procedure under which it not only denies a State the right to be heard and to establish the truth for a year, but sets up a procedure whereby all the Federal court or voting referee does is merely overrule the finding of a State officer on the question of whether a person who applies to the court or the voting referee possesses the qualifications prescribed by State law. The proposal makes the finding of the Federal court or Federal voting referee supreme, and denies the State the right to reject the application of a person of a particular race for any kind of disqualification he may have under State law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. In the State of Louisiana the registrars are appointed by what is called the police jury of a parish, which is the local governing body.

If one registrar was discriminating against colored persons, and the Federal court appointed a registrar, and the police jury, because of the discrimination, proceeded to fire that registrar and hired one who was pledged not to discriminate in any fashion at all, if I understand the provisions of this bill, the Federal registrar would continue to serve and to undertake to put people on the rolls even if they were not qualified, although the previous registrar might have been fired by the local governing body for the very reason for which another registrar was put in office, to see that colored persons got on the rolls.

Mr. ERVIN. The Senator is exactly correct. If, the day after, or 1 minute after, the court had made a finding of a pattern or practice of discrimination in the original case, the State election officials removed the misbehaving State registrar and replaced him with a man who did not practice any discrimination whatever, the Federal court or the Federal referee would continue to have the power, for at least one year, to pass on the qualifications of State voters and to overrule every honest and bona fide decision made by the State registrar who was practicing no discrimination as to any member of the race concerned.

Someone in Scripture, in the Old Testament, said he could find no place for repentance, even though he sought to find it. Here a State is denied any place for repentance. The State is placed in a subsidiary position to the Federal court and to the Federal voting referee, because the Federal court or the Federal voting referee will act thereafter, and the only thing they are allowed to do under this bill is to pass on the question whether the State registrar made a mistake when he adjudged that a particular man of a particular race was not qualified to vote, either because he had not lived in the State long enough, or in the voting district long enough, or because he had been convicted of a disabling felony, or because he was a lunatic, or because he was an idiot, or because he did not meet a literacy test.

Under the bill neither the Federal court nor the Federal referee could pass on the question whether this man had been denied the right to register or vote because of his race or color.

The result is that the Federal court and the Federal voting referee become, in effect, administrators of State law, to the exclusion of the State official with whom they disagree, even though the State official has exercised no discrimination and has made bona fide decisions on matters committed to him by the law of the States.

Mr. LONG of Louisiana. If the previous misbehaving registrar had permitted a large number of persons to be placed on the rolls who had no business being there, and if, after he was fired, a proper registrar proceeded to register everyone who was qualified, would it not be true that under this proposal the Federal registrar would still be registering persons who were not qualified because they contended they had been discriminated against, although they should never have been on the rolls in the first place?

Mr. ERVIN. The Senator from Louisiana is correct. That occurs by virtue of another provision of the bill, which the Senator from Louisiana and I have discussed previously. In other words, even though as the Senator from Louisiana has said, the State registrar enforces the law of the State and determines the qualifications of the applicant in a correct manner, and without any racial discrimination whatever, the Federal voting referee or the Federal judge would have the power to overrule the decision of the State registrar, on the ground that the State registrar had not applied to the applicant the rules which his predecessor as State registrar had established in violation of the law of the State.

Mr. LONG of Louisiana. Therefore, we could see people who did not belong on the rolls put on the rolls by the Federal referee at the same time that a successor to the previous registrar was striking off the rolls those who had no place on the rolls in the first instance.

Mr. ERVIN. The Senator is correct.

The period of 1 year is applied, in which the State cannot contest the finding with reference to a pattern or practice. This creates what lawyers would call "a conclusive presumption."

It has been held—and held correctly—that the due process of law clause prohibits the creation of a conclusive presumption.

Mr. President, I read from 12 American Jurisprudence, Constitutional Law, section 625, pages 317 and 318, the following:

> A conclusive presumption, or a presumption that operates to deny a fair opportunity to repel it, violates the due process clause.

I argue that the bill, if enacted into law, would create a conclusive presumption against the State and the State election officials and not only would deny to the State and to the State election officials a fair opportunity to repel that conclusive presumption but also would deny to the State and to the State election officials any opportunity whatever to repel the conclusive presumption for the period of at least 1 year. I argue that is contrary not only to fair play and not only to justice but also to the due process clause of the fifth amendment, which prohibits the Congress of the United States from creating any such conclusive presumption.

Mr. President, this provision would do more than that. It would do something which cannot be reconciled with any proper consideration of desirable Federal-State relations.

Most of the States of the Union have laws which provide certain definite times for the registration of voters.

In my State of North Carolina we have a provision to the effect that in every election year there will be a registration of voters beginning in May for a period of 4 or 5 weeks to enable those who desire to vote in the forthcoming primaries to vote in such primaries if they are adjudged qualified.

We have another provision which sets aside a certain period of 4 or 5 weeks preceding the general election, for another registration of voters and for passing upon challenges to registered voters, so that the processes may be completed in time to have everyone's right to vote adjudged before the general election is held.

We have similar provisions with respect to registration of voters for municipal elections, for school elections, and in some instances for elections in sanitary districts.

This bill contains the provision:

If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court 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 read that provision again, Mr. President, for the purpose of pointing out that although under the laws of most States there are limited periods of time set forth in which persons must register to vote, this bill would step in to say that one of these persons authorized to apply to the Federal court or to the Federal voting referee is not bound by those State laws. Instead of having to prove his eligibility to vote under the law of the State within the limited period of time stipulated by the legislature of the State, such a person could apply to the Federal court or to the voting referee to have his qualifications to vote passed on at any time within a period of a year, and subsequently thereafter, under certain circumstances, even though all other people of the State of the other race would have to register and to prove their qualifications within the limited period of time established by State law. If this is not violative of the principle enunciated by the decisions, which said that the Federal Government could not undertake to enforce prohibitions against State action by legislating in the field committed to the States, I cannot imagine what it would take for the Federal Government to invade that field in violation of these decisions.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Would this have anything to do with the situation in which a State requires the registration books to be closed 30 days before an election, in order that the poll list may be compiled for each precinct, for the benefit of all the commissioners?

Mr. ERVIN. It would absolutely nullify that law of the State in any voting districts in which it had been found that a pattern or practice of discrimination existed. While members of the other race would be bound by that law, members of the race covered by the pattern or practice would not be. In other words, we would have one law for one race and another law for another race, in a country where all laws are supposed to apply alike to all men in like circumstances.

Mr. LONG of Louisiana. Do I correctly understand that under the provisions of the bill as presented, even if the State law said the registration books would be closed for the last 30 days prior to an election, a person of a minority race who claimed he had been discriminated against could be registered by a Federal referee within that 30-day period?

Mr. ERVIN. If he lived in a voting precinct in which it had been found, in an action to which he was not a party, that there had been a pattern or practice of discrimination against members of his race.

Mr. LONG of Louisiana. How, under those circumstances, could we expect the commissioners working at the polls and trying to conduct the elections to know who was registered and who was not registered by the voting referees?

Mr. ERVIN. They would be sent a copy of the order. But that is one of the great defects of the provision. As I see it, it violates the 15th amendment. The Congress is empowered by the second section of the 15th amendment to enforce only a prohibition against State action; and yet under the terms of this bill it not only would undertake to act in place of the State, but it would absolutely nullify the laws of the State as to one race of people, laws which are designed to apply to all the people of the State.

Mr. LONG of Louisiana. Am I to understand that even if those particular colored people had never been discriminated against at all, they could still register during the last 30 days before an election, at a time when the white people would be prohibited from registering?

Mr. ERVIN. Except that the colored person would have to show that he made an effort to register. But he would not have to be a party to the suit, and he would not have to be one of those for whose benefit the suit was brought. But he would have to show that he did go before the State official. However, if he was able to show the Federal judge or the Federal voting referee that he had applied to the State official and that he had been turned down by the State official, the Federal judge or the Federal voting referee, at any time within a year, even though the registration books were closed to everyone else, would have the right to give this man an order that he was entitled to vote.

Mr. LONG of Louisiana. Would that be the case even though there had been no opportunity for the local registrar to test the correctness of his original decision not to register the person?

Mr. ERVIN. He has a sort of knock-kneed, bald-headed, spavined right to test that question after the case is tried by the referee. He has the right to come in after the referee has made the decision, and take an exception to his report, and have a hearing before the judge. But the trouble is that he does not have that right when the judge himself passes upon the question. He has no right whatever to have the decision reviewed if the judge passes on the case; and even in a case in which the referee passes on the question, the judge has the power to send the exceptions to the referee's report back to the referee to let the referee pass on the question as to whether he, the referee, had made a mistake.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ERVIN. I respectfully submit that this bill contains many provisions inconsistent with a proper conception of what is desirable in Federal-State relations. Also I think it violates the provisions of the Constitution by providing that only the evidence of the applicant shall be considered, on the question as to whether the applicant is qualified under the literacy law to vote. I think that violates the due process clause of the fifth amendment, because the due process clause of the fifth amendment says that the right to a hearing secured by due process of law entitles a litigant to the right to present evidence to sustain his allegations.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I am glad to yield.

Mr. LONG of Louisiana. With regard to law enforcement, the Senator does believe, does he not, that when States enact laws they should be enforced; otherwise they should never have been enacted in the first instance?

Mr. ERVIN. I certainly agree with the Senator; and I think the laws of a State in a field which is committed by our constitutional system of government to the State, are laws which should not only be obeyed by the State, but respected by the Federal Government and the Congress. If this bill were to be enacted into law, it would show that the Congress has scant respect for the constitutional laws of the States, because, as I have pointed out before, it provides that those laws would be amended by the violation of a misbehaving election official.

Mr. LONG of Louisiana. If a State provides that voters must be able to read and write, or if it provides that idiots or morons should not be permitted to vote, or that convicted felons should not be permitted to vote, would it not be a better remedy, rather than finding that some idiots were on the rolls, and therefore putting more of them on, to take off those who should not have been permitted to be on the rolls in the first instance?

Mr. ERVIN. I think that would be the sensible thing to do, but that is not the thesis on which the bill rests. The bill rests on the thesis that if some white idiots have been placed on the rolls, the voting referee or the court should place some colored idiots on, too.

Mr. LONG of Louisiana. To pursue the thought we discussed earlier, if a registrar unwittingly and unknowingly had permitted a number of persons improperly qualified for any one of a number of reasons to be on the rolls, and that registrar came to the conclusion, when his attention was called to it, that those persons did not belong on the rolls, and proceeded to do his duty by striking off the rolls the idiots, morons, and criminals that had no business being

there in the first instance, is there any provision in the bill to require the Federal referee to take off the rolls the idiots, morons, and criminals whom he put on his part of the rolls?

Mr. ERVIN. No. He would be required to put them on the rolls if the State officials put them on.

Mr. LONG of Louisiana. If a Good Government League, for example, in any parish or county in which discrimination had been alleged, and where a Federal referee had been appointed, proceeded, on a nondiscriminatory basis, to have stricken from the rolls all those who had been unlawfully placed there, there would be no provision whereby they could get at the criminals, morons, and idiots that the Federal referee had on his rolls. Therefore, that part of the rolls could not be cleaned up.

Mr. ERVIN. The State would have nothing to do with it, because the Federal Government would entirely supersede the States. It would take the place of the States, and the States could not make any decision which the Federal officials would be bound to respect, for a period of at least a year. During that year the Federal court would not even hear any evidence. I have always seen the picture of justice represented by a blindfolded woman. I have always been told that justice is blind. Under the terms of this bill, justice would be not only blind, but deaf, because it could not listen to the truth for a year, and it could not listen to the defendant's testimony.

Mr. LONG of Louisiana. Would it not seem proper that, if the standards were such that the local registrar either voluntarily or by reason of pressure from local citizenry, cleaned the rolls of irregularities and took from the rolls those people who had been placed there illegally and improperly, at least the Federal registrar should be required to clean up his rolls? Is there anything in this provision to require or enable the Federal registrar to clean up his rolls when the local citizenry had cleaned up theirs?

Mr. ERVIN. We must make a distinction between whether they are adjudged entitled to vote by the judge, or adjudged entitled to vote in a proceeding before the voting referee. If they are adjudged entitled to vote on application to the judge after the original decision, there is no provision whatever for anyone to have any opportunity to challenge them. The judge's decision apparently becomes final, because he is not required to give any notice to anyone. He is not required to give anyone any opportunity to be heard. Therefore there is no opportunity to be heard in a case in which the judge himself passes on the question, as he is authorized to do on an application subsequent to the final judgment in the original case.

There is a provision which states that a State election official or the State attorney general can, in a sort of weak-kneed kind of way, challenge any person who has been adjudged by the voting referee to be entitled to vote. After the referee has concluded his hearing, taken the evidence orally, without reducing it to writing, except in one instance, and in the absence of the State official, and after he has made his decision and reported it to the judge, without the State official having any notice of or any opportunity to argue the matter, the provision states that the judge shall issue a notice to show cause, which can be returned at any time, not exceeding 10 days. Then he issues a copy of the report to the official, who does not have an opportunity to know what that report is based on, except in one respect, namely, with reference to the literacy test, and then he is given an opportunity to appear before the judge to show that the decision of the voting referee was erroneous. However, he does not necessarily get that opportunity, because the judge can refer the matter back to the voting referee himself for decision, and the judge does not have to give him an adequate opportunity to investigate the matter, because he must act in not more than 10 days, and he can even shorten the period.

Mr. LONG of Louisiana. Looking at the definition of "qualified under State law," it would seem to mean, in effect, that the definition would be the legal practice at the time rather than the actual law. Is there any provision in the bill that if, by pursuing that standard in violation of the law, the registrar places a person on the rolls, and he belong there, and the Federal registrar follows the same standard, if the State proceeds to enforce the law properly under State law, the Federal referee shall conform to the same standard as originally intended by the law?

Mr. ERVIN. The question asked by the Senator from Louisiana illustrates the absurdity of the bill. This bill says that when the hearing has been held before the voting referee, and he has made his report to the judge, and the judge issues his notice to show cause, the State election official or the Attorney General can file exceptions, and if he excepts on a matter of law he must submit a memorandum as to the law.

How can the State authorities know what the law is that they are talking about and what law is being applied? It is not the law made by the legislature of the State, but it is the law made by the misbehavior of the misbehaving election official. How can anybody know, since the law varies from one precinct to another, what supposed rules of law apply?

Mr. LONG of Louisiana. In effect, the proposed statute, at page 20, by definition makes law violations the law of the State. Is that correct?

Mr. ERVIN. That is right. That is exactly what the situation is and what the effect of the bill would be. That is something nobody has ever attempted to do before.

Mr. LONG of Louisiana. In other words, criminality becomes the law, under this provision of the bill.

Mr. ERVIN. Yes; whatever illegal standard the misbehaving State election officer sets up in his maladministration of the law becomes the law of the State, insofar as the voting referee and the Federal judge are concerned.

Mr. LONG of Louisiana. In other words, if there is a State law making it a crime for the registrar to permit certain types of people to be on the registration rolls, and he proceeds to commit that crime, then that criminal act becomes the law of the State by Federal definition, does it?

Mr. ERVIN. It becomes the legal standard by which the Federal judge and the Federal voting referee determine the qualifications of the persons who seek to vote, provided that the standard is less stringent than that established by the legislature of the State.

If the standard is more stringent than the State law which has been enacted by the State legislature, then the standard found in State law prevails. However, if the standard is less stringent, then the criminal conduct determines what the law is with respect to people belonging to the same race with respect to which a pattern of discrimination has been found to exist.

Mr. LONG of Louisiana. The words "qualified under State law" are given a definition which could make a State law a crime under State law.

Mr. ERVIN. Exactly. In other words, if the conduct of the misbehaving election official, manifested by his illegal conduct, is less stringent than the law enacted by the State legislature, the standard fixed by his criminal conduct becomes the State law instead of the law enacted by the State legislature.

That is one reason why this bill should not be enacted. Instead of being enacted into law, it should be transferred to the Smithsonian Institution and placed among the other curiosities there.

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

Mr. ERVIN. I yield.

Mr. HART. The distinguished and extremely able Senator from North Carolina developed at some length in the hearing a point which leads me to make a suggestion. I wonder if he would object if I inserted at this point in the RECORD the ultimate reply made to his series of questions by the Deputy Attorney General. I think it would give point to the view of those of us who feel that this bill should not go to the Smithsonian Institution.

Mr. ERVIN. I shall be glad to have the Senator do that, provided I do not lose the floor. I attempted to paraphrase the justification made by the Deputy Attorney General. I shall be glad to have the Senator make the insertion. In fact, I will do it myself.

Mr. HART. I did not intend to test the Senator's memory. I was not on the floor during all his address, and I did not know that he had made that comment.

Mr. ERVIN. I understand. However, I will insert in the RECORD at this point the statement made by Deputy Attorney General Walsh, which appears at page 113 of the hearings before the Committee on the Judiciary:

Well, whatever, however you want to characterize it, it certainly is the purpose of this definition to see that the races are treated

equally and that one is not submitted to, subjected to a more difficult test than the other. I think that is about where we come out.

That statement was made, if I may be permitted to say so, in response to this observation on my part, which appears at the bottom of page 112:

Senator ERVIN. But this is a different point, I think. In other words, it says that this is the State law, but it cannot be more stringent than the course of conduct followed by the misbehaving State official in passing upon qualifications of the other race and that is letting the Federal law amend the State law to conform to the misbehavior of the misbehaving officer when the Federal Government acting through the voting referee administers the State law.

The response of the Deputy Attorney General was what I have just read. That is exactly what I said Mr. Walsh had said. I did not repeat it verbatim, but I said that the effect of what the Deputy Attorney General had said was that the State law should be amended by the misbehavior of the misbehaving State election official if the standard created by such misbehavior was less stringent than State law.

He said he thought that was justified because the State ought to treat people of both races alike.

I agree with him that the State should treat its citizens alike regardless of their race. However, I think that when we start to legislate in Congress we ought to observe the Constitution, and Congress should pass laws which would compel the States or State officials to observe the prohibition against State action.

The way to do that is illustrated in acts which have already been passed. For example, title 18, section 242, of the United States Code, makes it a crime for a State election official to deny to any citizen of the United States any right which he has under the Constitution and laws of the United States.

Under this proposal, any State election official who wrongfully or willfully denies any person the right to register and vote under the Constitution can be punished by a fine or imprisonment or both. That is the direct way to enforce the prohibition of the 15th amendment.

Then there is a provision in the Civil Rights Act of 1957 under which the Attorney General can sue at the expense of the taxpayers in behalf of any person wrongfully denied the right to register and vote on account of his race or color. Under that procedure, the court can perform a judicial act and order the State election officials to register the person. If the officials fail to do so, they can be fined or imprisoned for contempt of court.

Legislation of that kind is appropriate, in my judgment, to enforce the prohibition of the 15th amendment, because it is calculated to compel the State to perform its duty. It does not undertake to let the Federal Government do it.

The reason for the opposition to the Kefauver amendment is that it attempts to make an ex parte hearing before a voting referee a judicial proceeding. Those who advocate the bill and oppose the Kefauver amendment say, in effect, that they want the Federal voting referee to act just as a State registrar would act. In other words, they are here converting the Federal courts into registration boards. They are converting them into something other than judicial bodies. That is one of the fatal defects of the entire bill, as I see it.

It has been decided by the Supreme Court of the United States and by virtually every State court in which the question has ever been raised that the act of passing upon the qualifications of a voter is not a judicial act, but, on the contrary, is an executive act. The registration of voters is an executive function. The bill attempts to make the Federal courts, which are supposed to be judicial bodies, registration boards for State and local elections as well as for Federal elections. That is one thing which cannot be done under the U.S. Constitution.

The men who drew our Constitution had studied the history of the past and had found that the surest way to destroy liberty and to establish tyrannical government was to concentrate all the powers of government in one individual or in one body. So when they drafted the Constitution of the United States, they divided all the governmental powers on the Federal level among the legislative branch of the Government, which is Congress; the executive branch of the Government, which is the President, and the judicial branch of the Government, which consists of the Supreme Court and such courts inferior to the Supreme Court as Congress may from time to time establish.

In one of the greatest decisions of all time in the Supreme Court of the United States, the case of Martin against Hunter, reported in 1 Wheaton, at page 304, Justice Story, one of the greatest men ever to adorn that tribunal, said:

The object of the Constitution was to establish three great departments of government; the legislative, the executive, and the judicial departments. The first was to pass laws, the second, to approve and execute them, and the third, to expound and enforce them.

I shall not undertake to read the entire opinion, but Judge Story said, in effect, that it was not possible to vest the powers of one Federal department in another. That is precisely what the bill undertakes to do, except that it goes beyond that point and attempts to vest the powers of the States in one of the departments of the Federal Government, which under the Constitution cannot exercise those powers.

The bill undertakes to convert the Federal courts and the voting referees created by the bill into registration officers for all elections, both elections for Senators and Representatives and elections of officers of State and local governments.

Passing upon the qualifications of voters is an executive function. The bill undertakes to confer upon the Federal courts, which are judicial bodies, empowered only to exercise the judicial power of the United States, the power to execute and to discharge the executive function; that is, to determine the qualifications of voters in all elections of all kinds. I submit that that cannot be done, and that the bill transgresses that constitutional principle.

I had hoped to discuss at a later time the proposition that the bill not only violates the provisions of the Constitution in the respects in which I have stated, but I wish to elaborate upon the contention that the procedure created by the bill in respect of the action of the Federal court and the action of the voting referee subsequent to the adjudication of the original case is not a case or a controversy within the purview of the second section of the Third Article of the Constitution of the United States, and that since the Federal courts can only exercise judicial powers, and since the proceeding established by the voting referee section lies outside the domain of the judicial power and is not a case or controversy under the Constitution, therefore the bill is void.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator from North Carolina a few questions, to show how confusing the bill actually is. I read from page 17 of the bill:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16) to serve for such a period as the court shall determine. * * *

Now listen to what the referees are required to do:

To receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections—

Then the bill recites what the referees are to do. One is led to believe that they are to get evidence; that they will be glad to have everybody come in and give them evidence on both sides. One would think that, would he not? But we have heard the argument made on the floor that the referees want evidence only from one side.

Mr. ERVIN. Oh, yes. As a matter of fact, the bill itself provides that on one aspect of the case the referee is not to take evidence except on one side.

Mr. JOHNSTON of South Carolina. That is correct. But what I have just read would lead one to believe that the referees are to take evidence and report to the court their findings as to whether at any election or elections—

(1) Any applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specific been (a) deprived 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.

Up to that point, one would believe they would be seeking the true evidence from both sides, would he not?

Mr. ERVIN. That provision would certainly lead one to believe that was true.

Mr. JOHNSTON of South Carolina. I read further:

In a proceeding before a voting referee, the hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

But, as was brought out, the last amendment would strike out the words "the applicant shall be heard ex parte." Before that amendment was submitted, one would have believed that both sides would be heard. But when that amendment was submitted, one would begin to have a different opinion; is that not so?

Mr. ERVIN. Of course, under the original form of the provision, which included the words "ex parte," the applicant could do as old Nicodemus did. Nicodemus went to the Lord by night; and under that provision, the applicant could go to the referee by night.

Mr. JOHNSTON of South Carolina. Nicodemus probably did not want to let all the people he had done harm to know about that.

I read further:

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.

Mr. ERVIN. You see, under that provision, they are not required to take down the evidence on that point. So such evidence could be given orally; and then there would be no way in the world for a person to contest it, thereafter, inasmuch as he would have no way of knowing what the evidence had been and whether it was valid or otherwise. That provision would make unreported evidence, which could be concealed, prima facie evidence of the truthfulness of the applicant.

Mr. JOHNSTON of South Carolina. In other words, behind closed doors the official could be condemned, and he would not have an opportunity to know what he was condemned for or what he was charged with or by whom he was condemned.

Mr. ERVIN. And he would not even be informed that anyone was accusing him of having done anything improper.

Mr. JOHNSTON of South Carolina. On page 19, beginning in line 11, we find the following:

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.

Mr. ERVIN. You see, those who drafted that language did not want that official to have any of the powers provided under the other subsections of rule 53, because if the official had the powers provided by the other subsections of rule 53, notice would have to be given—just as would have to be given by a master.

Mr. JOHNSTON of South Carolina. That is true.

When we read rule 53(c), we find that it goes into detail and states just what can be covered. But the fact is that according to this proposal, the judge could confine them to certain things, and they could go into only those things. Is that not true?

Mr. ERVIN. Certainly he could confine them to the things listed there—which do not cover the only condition under which the Federal government would have any power to take any action at all in such cases.

Mr. JOHNSTON of South Carolina. Now I should like to read rule 53(c):

The order of reference to the master—

And this is inserted by reference, the same as in the bill—

may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearing and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

Mr. ERVIN. That makes it clear that the Senator from South Carolina was correct when, a moment ago, he suggested that the judge could place limitations on and could give directions to the voting referee.

Mr. JOHNSTON of South Carolina. That is true; under this order, the judge could do as he might see fit.

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

Mr. JOHNSTON of South Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE CONNALLY RESERVATION

Mr. EASTLAND. Mr. President, before the debate is over, I am going to speak at some length on title VI and the pending amendment to the civil rights bill. At this time I wish to discuss briefly a question which I consider to be of grave importance to the United States, namely, the proposal of the Vice President and of the Eisenhower administration to repeal the Connally reservation, and leave our country at the mercy of an international court on which Communists have more representation and more influence than has the United States of America.

Almost a year ago, in speaking to the Memphis Bar Association about this proposal, I went on record in opposition to it. As I said then, the proposal is clearly so fundamental that though it may emanate from the White House, it will be decided in the precincts of the country.

I do not know that I was the first to raise my voice against this proposal, but certainly I was one of the first. I think what I said in Memphis on May 1, 1959, has been proven true. The people of this country have learned about this proposal, and are learning more about it all the time; and the more they learn about it, the less they like it. Senators are hearing from their constituents on this matter. And I venture to predict, Mr. President, that what we have heard so far is not a patch on what we shall hear if a bill to repeal the Connally reservation should be reported favorably from the Committee on Foreign Relations and come before the Senate for action.

The essence of the proposal to repeal the Connally reservation is that we surrender one of the most important attributes of sovereignty—the right of a sovereign nation not to be sued without its own consent—and, instead, grant blanket authority for the United States of America to be sued on occasions we cannot control and with regard to questions about which we have not been informed in advance.

The drive to repeal the Connally reservation is basically a movement for world government. World order and world peace under law must mean world government to mean anything at all.

Senator Tom Connally of Texas was a realist. He knew that the vision of world law was a mirage, and will remain a mirage, unless the day comes when world law is backed up by the power of a world government. He believed in putting the interest of this country first. He knew that labels mean nothing when the other fellow has the right to apply his own label. He was not satisfied to leave the definition of what constitutes the domestic affairs of the United States to any arbiter but the Government of the United States. He knew it would do us no good to call a spade a spade as long as pro-Communist judges, constituting a majority of a nine-man panel of an international court, could call it an instrument for the interment of bourgeois and capitalistic fallacies, and make their definition stick.

The phrase "world peace through world law" has a high semantic value, especially to Americans who have a tradition of respect for law and order and courts.

But law can only bring peace where it is either accepted voluntarily or enforced adequately. In the international community today, the great threat to world peace is a bloc of outlaw nations. These nations will not accept any law but their own power. They do not even regard their pledged promises, made in solemn treaties, as binding upon them if their own interest will be served by breaking the pledges.

Mr. President, I ask unanimous consent that this speech be not considered one speech against the pending amendment.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Mississippi?

Mr. KUCHEL. Mr. President, reserving the right to object, I did not hear the unanimous-consent request.

The PRESIDING OFFICER. Will the Senator from Mississippi repeat his request?

Mr. EASTLAND. Mr. President, I ask unanimous consent that this speech be not counted as one speech against the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EASTLAND. Mr. President, the suggestion that we create a world law-enforcement agency means, in the last analysis, a superarmy under the control of an international organization. To put such an army under U.N. control would be to make it subject to Communist manipulation, for the Communists have far more power and influence in the United Nations' administration than any other nation or associated group of nations.

This is what we are moving toward when we accept the "world law" concept as the road to "world peace." Greatly as we desire peace, we must not allow ourselves, in the name of peace, to be drawn into a scheme whose only hope for peace would be in the Communist connotation of that word—which means a world in which there is no longer any effective opposition to communism.

We are told to give up a portion of our national sovereignty, to relinquish it to the International Court, and that this will shame the U.S.S.R. into doing likewise. Mr. President, assuming this were true, I am not sure it would be a sound goal; for if both the U.S.S.R. and the United States were to surrender sovereignty to a body upon which the U.S.S.R. has at least two votes and the United States has one as an absolute maximum, I think we might not find we had gained very much.

As for shaming the U.S.S.R. into doing anything, this is a childish suggestion. Why, Mr. President, not even the revulsion of the whole civilized world could shame the U.S.S.R. into stopping the slaughter of Hungarian patriots.

Perhaps a brief history of the International Court of Justice would be helpful in bringing us to an understanding of the questions which are involved in the proposal to repeal the Connally reservation.

The Court now known as the International Court of Justice was not created by the United Nations Charter. It got its present name from that Charter, and the United States became associated with the International Court, for the first time, by signing that Charter; but the Court itself was created 25 years earlier by the statute of the League of Nations.

Although the United States was not a member of the League of Nations, and had not adhered to the statute of the International Court, we had one of the first judges on the Court; because the statute permitted citizens of nonmember states to be chosen as judges. The first U.S. judge was John Bassett Moore, who was picked after Elihu Root, one of the drafters of the Court statute, declined to serve on the new Court because of his age.

John Bassett Moore was, at the time of his appointment to the World Court, the outstanding U.S. authority in the field of international law. He was the author of the "Digest of International Law," which had been the recognized authority in its field for some 20 years. He had served in the U.S. State Department since the first administration of Grover Cleveland; and had been one of the foremost advocates of the settlement of disputes between nations by international arbitration.

Judge Moore took his place as a judge of the International Court in 1922, and served until 1928, when he refuse to accept reelection. Charles Evans Huges took his place on the Court, and when Hughes was named Chief Justice of the United States, his place was taken by Frank B. Kellogg, ex-Secretary of State of the United States.

During all this time, however, the Senate resisted proposals that it take action to adhere to the statute of the World Court; and this situation continued right down to the time the United Nations was formed.

When the United Nations Charter was being framed in San Francisco in 1945, it was obvious no agreement could be reached for the establishment of a World Court which would involve compulsory jurisdiction. In order to have a World Court at all, a compromise was worked out which established the International Court of Justice as a principal organ of the United Nations, but to function only in accordance with a so-called statute of the Court. The U.N. Charter declared that all members of the United Nations were ipso facto parties to this statute; but no nation was made subject to the compulsory jurisdiction of the Court without its own express consent, evidenced in a formal declaration transmitted to the United Nations.

When the United States joined the United Nations, we adhered to the statute of the International Court of Justice, thus becoming associated with the Court for the first time. But we did not accept the compulsory jurisdiction of the Court, and thus the consent of the United States was required, in every case involving this Nation, before the Court could assert jurisdiction to decide the case and have its decision binding upon this country in any way.

The ink was hardly dry on the signatures to the United Nations Charter before the campaign started to get the United States to accept the compulsory jurisdiction of the Court of International Justice.

This drive was successful, in the atmosphere of one-worldism which surrounded the formation of the United Nations; and on August 14, 1946, the Senate consented to the "compulsory jurisdiction" of the Court of International Justice with respect to any purely legal dispute with any nation which had accepted the same jurisdiction in advance.

As it came from the Foreign Relations Committee, the resolution of acceptance provided:

That the United States of America recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, That this declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America; or

(c) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States of America specially agrees to jurisdiction; and

Provided further, That this declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration.

On the floor of the Senate, on motion of the then senior Senator from Texas, Tom Connally, eight words were added to the reservation respecting domestic jurisdiction: "as determined by the United States of America."

Formal notification of this country's acceptance of the compulsory jurisdiction of the International Court subject to the reservation noted was signed by President Truman on August 14, 1946, and was deposited with the Court on August 26, 1946.

The reason for the Connally reservation was that under the statute of the International Court of Justice, the Court itself is given the power to make final decision with respect to questions of its own jurisdiction. The Senate Foreign Relations Committee had, as I have explained, placed in the resolution of acceptance of the Court's compulsory jurisdiction a reservation with regard to matters essentially within the domestic jurisdiction of the United States. Debate on the floor of the Senate developed the fact that under the statute of the International Court, the Court would have the right to decide, in case of a dispute, whether any particular matter lay within the domestic jurisdiction of the United States. The whole purpose of the Connally reservation was to make certain that the International Court of Justice may never have the right to claim and exercise jurisdiction over any matter which the United States considers to be essentially within the domestic jurisdiction of this country.

As the Senator from West Virginia, Mr. Revercomb, expressed it on the floor of the Senate at the time, the purpose of the Connally reservation was to "clarify the situation so that we can say, under our Constitution, 'this is a domestic matter'."

The absolute essentiality of such a saving clause should be apparent to everyone. The very first area in which the International Court of Justice is given jurisdiction over disputes is with respect to the interpretation of a treaty. I mention one treaty that would fall within this jurisdiction—the United Nations Charter. Under this charter it would be possible—as Senators pointed out here in this Chamber in 1946—for questions to arise which might affect immigration to the United States, with respect to tariffs and duties, with respect to navigation in the Panama Canal, or with respect to any other subject under the sun which the mind of man might conceive which some foreign nation might consider to be a question of interpretation of a treaty, but which this country might regard as a domestic matter.

There are in the Senate today 12 Senators who voted for the Connally reservation. I refer to the Senator from New Hampshire [Mr. BRIDGES]; the Senator from New Mexico [Mr. CHAVEZ]; the Senator from Rhode Island [Mr. GREEN]; the Senator from Arizona [Mr. HAYDEN]; the Senator from Alabama [Mr. HILL]; the Senator from South Carolina [Mr. JOHNSTON]; the Senator from Arkansas [Mr. MCCLELLAN]; the Senator from Washington [Mr. MAGNUSON]; the Senator from Montana [Mr. MURRAY]; the Senator from Wyoming [Mr. O'MAHONEY]; the Senator from Georgia [Mr. RUSSELL]; and the Senator from Wisconsin [Mr. WILEY]. Among the great Senators who voted for this reservation, and who are no longer with us, were Senator Austin, of Vermont; Senator George, of Georgia; Senator Knowland, of California; Senator La Follette, of Wisconsin; Senator Langer, of North Dakota; Senator Millikin, of Colorado; Senator Revercomb, of West Virginia; Senator Taft, of Ohio; Senator Vandenberg, of Michigan; Senator Walsh, of Massachusetts; Senator Wheeler, of Montana; and Senator Wherry, of Nebraska.

There were 12 votes against the Connally reservation. They were cast by Senator Cordon, of Oregon; Senator Downey, of California; Senator Fulbright, of Arkansas; Senator Guffey, of Pennsylvania; Senator McMahon, of Connecticut; Senator Mead, of New York; Senator Morse, of Oregon; Senator Murdock, of Utah; Senator Pepper, of Florida; Senator Taylor, of Idaho; Senator Thomas, of Utah; and Senator Wagner, of New York.

It is my considered judgment that had there been no Connally reservation to the original agreement of the United States to participate in the International Court, that agreement never would have been approved by the Senate.

Only four nations have accepted the compulsory jurisdiction of the International Court unconditionally and without reservations. These four nations are Finland, Haiti, Nicaragua, and Paraguay. Soviet Russia has not accepted the compulsory jurisdiction of the Court at all, nor has any other Communist country. No Communist country ever will accept this; and I do not believe the Senate of the United States ever will accept it. No leading nation of the world has surrendered its sovereignty in this way; and there is no reason to believe any of them will, no matter what we do.

There are some things we must keep in mind at all times, in considering this question of the jurisdiction of the World Court, and the extent to which we as a nation want to be subjected to that jurisdiction.

This Court is composed of 15 judges, and it is provided that there may be not more than one judge from any one country.

Already, the spirit of this provision has been violated because the Communists have two judges today, one from the Soviet Union and one from Poland; technically from different countries but actually both controlled from Moscow. Nine of the fifteen judges constitute a quorum to decide a case; therefore, any five judges could constitute a majority.

There is no possible appeal from a decision of the World Court, since there is no higher authority to which an appeal could be taken.

Judges of the International Court are named by majority vote in both the General Assembly and the Security Council of the United Nations; but the United Nations has no uniform qualifications for these judges. There is not even a requirement that a judge of this World Court be a lawyer, or skilled in the law. The election of these judges is, therefore, wholly political. And when a judge has been elected, he takes no oath of office, he is not required to commit himself to any principle or set of principles.

Judges of the International Court of Justice serve for 9-year terms. The single U.S. judge will go out of office on February 6, 1961, and we have no way of knowing whether there will be even one U.S. judge on the International Court after February 6, 1961. The chances are good that the post which becomes vacant when the term of the U.S. judge expires next February will be filled by a national of another country, and that for many years thereafter the United States will not be represented among the Judges on the International Court.

As I have pointed out, the Communists have two judges, in spite of the stipulation that no two judges can be nationals of the same State; because Soviet Russia has one judge and Poland has another judge. In any dispute involving the United States, it is a safe bet that the two Communist judges, if they were on the panel considering the case, would vote against the United States. If there should be three other judges on the panel who were inclined against the United States, then we would lose the case.

I will not give specific examples of this nature. I do not wish to impugn the good faith of any judge, except to declare that the judges representing the U.S.S.R. and Poland undoubtedly would act in any case in accordance with good Communist theory, and good Communist theory regards "bourgeois courts" as forums for waging the world struggle against what the U.S.S.R. calls the capitalistic countries, which means us and the rest of the world. But it can do no harm to call attention to the present composition of the Court. As I have pointed out, there is one vacancy. The United States has a judge; Soviet Russia has a judge; Poland has a judge; the others are respectively from Norway, Pakistan, France, the United Arab Republic, Uruguay, the United Kingdom, Argentina, Mexico, China, Greece, and Australia.

In the absence of an accepted body of law to interpret and apply, the judges of the International Court in any particular case necessarily must decide on the basis of their own concepts. A majority of the judges on the International Court come from countries having many legal concepts quite different from ours. To say that when required to decide a case without the guidelines of accepted law, the judges would follow their own concepts rather than ours, is not to impugn the honesty of any judge, or to demean any country. It is just being realistic.

But it is important that we recognize this, and understand that because the International Court considers itself "above" national law, it could not and would not recognize as binding upon it any of the guarantees of the United States Constitution's Bill of Rights.

Questions involving the rights of U.S. citizens must be kept "domestic affairs" to insure that they will be decided according to our constitutional heritage. Many of the rights our citizens prize are unrecognized by a majority of other nations—and by a majority of the nations which are represented by judges on the International Court. Most of the Court's judges come from countries which completely fail to recognize legal concepts that are essential domestic matters to us. For example, most of these countries recognize no individual right to own private property, and to hold it against arbitrary government seizure. This is why the United Nations Covenant on Human Rights failed to recognize this basic property right. The whole United Nations concept of "human rights" is that people have rights granted to them by their governments. But this is a concept which denies our own credo of "unalienable rights" in the people, and limited powers conditionally by the people to the government.

It has been argued that we should not retain the power to say, when the chips are down, what constitutes our strictly domestic affairs, because we cannot be trusted to use this power honestly and fairly. On the other hand, it is contended, the International Court of Justice can be trusted to respect our institutions and to do justice in every instance.

How, Mr. President, can we trust an international court to protect our rights and the rights of the States from the constantly growing power of centralized government, when we cannot even trust the Supreme Court of the United States to do it?

As the Indianapolis Star reported:

The cynical use of the treaty power to enable the Federal Government to evade the Constitution has been established by precedent and upheld by the Supreme Court.

Blanket submission to International Court jurisdiction would place this same tool for nullifying the American Constitution in the hands of forces totally outside the United States.

There is no subject of domestic concern with respect to which this country could not enter into a treaty with some other nation. Under the developed doctrine of executive agreements, what can be done by treaty can be done by the President alone, on behalf of the Nation, and an executive agreement thus concluded binds the Nation, as part of the supreme law of the land, without even being submitted to the Senate.

Mr. President, I shall conclude my address at a later time. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARROLL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. EASTLAND. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Objection must be made, or the call must continue. Is there objection? The Chair hears none, and further proceedings under the quorum call will be dispensed with.

Mr. CARROLL. Mr. President, I think the debate which has been conducted yesterday and today has certainly clarified the amendment which the distinguished Senator from Tennessee [Mr. KEFAUVER] presented to the Committee on the Judiciary. I was not on the floor all of the time the able Senator from Tennessee was stating his reasons for presenting his amendment to the Committee on the Judiciary. But I am led to believe that the position taken in the debate by the junior Senator from Colorado has been sustained by the position taken today by the able Senator from Tennessee.

Yesterday I said I thought it was the purpose of the Senator from Tennessee, during the executive session of the Committee on the Judiciary, when he presented his amendment to that committee, that there be no secret, clandestine, star chamber meetings held by a voting referee under the bill now being considered.

Second, I thought that the Senator from Tennessee not only demanded a public hearing, but wanted an opportunity for the local registrar to be able to obtain a transcript of the proceedings.

Third, it was my impression—and I think it has been sustained today—that the Senator from Tennessee did not intend to transform the ex parte proceeding into an adversary proceeding. I believe I am correct in assuming that the interpretation of the Senator from Colorado of what the Senator from Tennessee sought to achieve before the Committee on the Judiciary, in executive session, is borne out by my remarks this evening, as will be shown in the RECORD tomorrow morning.

Mr. President, I now pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. What is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. I thank the Chair.

I observe on the floor this evening the distinguished chairman of the Committee on the Judiciary [Mr. EASTLAND], another member of the Committee on the Judiciary, the distinguished senior Senator from North Carolina [Mr. ERVIN], and also the distinguished senior Senator from California [Mr. KUCHEL]. I serve notice this evening that tomorrow at the appropriate time I shall in all probability, if I am permitted to do so, propose a modification to the amendment which I have submitted, and which is now the pending business before the Senate. I trust the modification will be acceptable to all sides because the first thing I seek to achieve is that there will be no secret, clandestine, star-chamber proceedings on the part of the voting referee. Second, I seek to achieve ex parte hearings according to the concept and precept of due process.

Third, I want the RECORD clearly to show that the voting referee has no rights which are superior to those of the court which has appointed the voting referee. To state it differently, if the court breathes life into the voting referee, the voting referee will not have power greater than that of the court which created the office itself.

I think the modification I shall present tomorrow will preserve the constitutional rights of the State and the applicant, and will preserve the constitutional right of the court to function, because some of the words I have used in the modification come from the Constitution itself. I shall not at this time further elaborate my modification, but I hope that all reasonable persons who are interested in the passage of the bill will accept the modification. I may say that it has been presented to both sides of the aisle. There is nothing startling about it. There is nothing which really changes the concept or enlarges the powers already contained in H.R. 8601. The modification is simply a reaffirmation of constitutional principles and of due process. I trust it will be acceptable to both sides.

Mr. President, if there are no other questions to be asked of me at this time, I yield the floor.

TRIBUTE TO MRS. BONY HAMPTON PEACE

Mr. THURMOND. Mr. President, on Monday night, March 28, 1960, the head of one of South Carolina's most distinguished and successful families, Mrs. Bony Hampton Peace, passed away at her home in Greenville, S.C. Mrs. Peace was the wife of the late B. H. Peace, who rose from the position of a journeyman printer to become publisher of two of South Carolina's largest and most widely read newspapers, the Greenville News and the Greenville Piedmont

Together, Mr. and Mrs. Peace reared a fine family of six children, who have reflected much credit and honor on their parents.

One of their children, Mr. Charlie Peace, died in 1958, after serving as vice president and general manager of the Greenville newspapers and as president of the Asheville, N.C., newspapers. The other five children are all living. They are: Mr. Roger C. Peace, now chairman of the board of the News-Piedmont Co., and formerly a distinguished Member of the U.S. Senate; Mr. B. H. Peace, Jr., executive vice president of the News-Piedmont Co.; Mrs. George G. Leake; Mrs. Clarence T. Echols; and Mrs. Allen J. Graham, Jr.

"Mother" Peace, as she was known by so many, was a very gracious lady of high principles and lofty ideals who will be missed by many friends and loved ones. She was truly one of South Carolina's grandest ladies.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks two newspaper articles, one of which is a very beautiful editorial tribute to her memory by the very able editorial writer, Mr. Wayne F. Freeman.

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

[From the Greenville (S.C.) News, Mar. 30, 1960]

A LONG LIFE WELL LIVED

Mrs. Laura Estelle Chandler Peace was a noble and gracious lady who lived a good life and a long one. She devoted all of it to her family and her friends.

And she had a large family and countless friends in the growing city in which she lived out her 86 years and throughout the United States and part of Canada wherever there were people connected with the newspaper industry.

Mrs. Peace may never have had printer's ink on her hands (we can't be sure, because she was no stranger to the job shop or the composing room during her more active years) but she certainly had it in her blood.

At the age of 20 she married the late Bony Hampton Peace, a journeyman printer. While they reared their family, Mr. Peace started his commercial printing business and went on to purchase the Greenville News in 1914 and the Greenville Piedmont in 1927 to found the Greenville News-Piedmont Co. In the early thirties the family entered another field of communications, radio, and still later, television.

Through the years, Mrs. Peace made friends among people in every phase of the printing and publishing industry. She was equally at home with editors and publishers and printers and suppliers of publishing materials from ink to paper and syndicated columns.

For more than 50 years as the wife, mother, and friend of newspapermen she was a part of what is both a profession and an industry. Until the last few years she was a regular attendant at the meetings of the South Carolina Press Association.

She lived to know and understand more than two generations of writers, editors and printers. Only last fall, even as her final illness was upon her, she pushed the button to start the magnificent new News-Piedmont presses on their first formal run.

She saw the Greenville newspapers, and the entire press of South Carolina, grow from a struggle to recover from an impoverished era to burgeoning maturity.

That was the public side of her life, part of a saga of the growth of a State and region. Her greatest role was in her private life which was an example and an inspiration to all who knew her. The keynotes of that life were strength, faith and serenity.

As the wife and mother of successful men she knew good fortune. But she also knew tragedy. She accepted both with the equanimity that can come only from a combination of strength of character, faith in her God whom she served and worshipped and a serenity of spirit which seldom if ever let her show signs of upset.

To the present News-Piedmont generation she was "Mother Peace," a term which to us designated true royalty.—W.W.F.

[From the Greenville (S.C.) Piedmont, Mar. 29, 1960]

MRS. B. H. PEACE DIES; RITES ARE TOMORROW

Mrs. Bony Hampton Peace, 86, wife of the late publisher of the Greenville News-Piedmont Co., died at the family home, 230 West Mountain View Avenue, at 10:35 p.m. yesterday.

Funeral services will be conducted tomorrow at 4 p.m. at the Mackey Mortuary. Interment will be in Springwood Cemetery. Services will be conducted by Dr. Dotson M. Nelson, Jr. and Dr. Leon M. Latimer.

Pallbearers will be John Sakas, John Harris, E. A. Ramsaur, James Johnston, Robert DeLapp, Charles Sterling, Edward Stall, Norfleet Harte, and Salters McClary.

The body will remain at the mortuary. The family is at the home, 230 West Mountain View Avenue.

Mrs. Peace had been ill for several weeks. She was seriously ill in February 1959, but recovered and was relatively active until recently. Last November she visited the News Building and pushed the button that started the News-Piedmont's new $1 million press on its first actual run.

Mrs. Peace was the former Laura Estelle Chandler, and was born March 12, 1874, the daughter of William and Martha Chandler. She and the late Mr. Peace were married November 28, 1894.

Although she stayed in the background, she was ever helpful to her husband in his rising career as journeyman printer, operator of a commercial printing business, and later as the publisher of Greenville's growing newspapers and operator of Greenville's first radio station, WFBC.

After the death of Mr. Peace, January 24, 1934, at West Palm Beach, Fla., Mrs. Peace continued to give her guidance to her sons as they directed the Greenville papers, the radio station, and other Peace properties.

Thus she had a direct part in the fabulous growth of the Greenville papers. When Mr. Peace acquired the News in 1916, it had a circulation of 5,000. Today the two papers (the Piedmont was acquired in 1927) have a combined circulation of more than 107,000 and are read throughout upper South Carolina.

In 1941 Mrs. Peace saw her eldest son become a U.S. Senator when then Gov. Burnet R. Maybank appointed Roger Craft Peace to fill a vacancy in the Senate. Roger Peace had succeeded his father as publisher of the Greenville papers and is now chairman of the board.

Another son, Charlie Peace, was vice president and general manager of the Greenville papers and president of the Asheville, N.C., newspapers until his death in May 1958.

A third son, B. H. Peace, Jr., is now executive vice president of the News-Piedmont Co.

Other survivors are three daughters, Mrs. George G. Leake, Mrs. Clarence T. Echols, and Mrs. Allen J. Graham, Jr.; 11 grandchildren, and 18 great-grandchildren.

Members of her family were constant visitors at the home of "Mother Peace" in Greenville, at the family's summer home at Caesar's Head, and at the Peace cottage at Pawleys Island. These were places both Mr. and Mrs. Peace loved.

It was a family tradition to keep a standing engagement for Christmas Eve dinner at the Peace home on Mountain View Avenue.

Mrs. Peace was a member of the First Baptist Church and of the Hoyt Bible Class of the Sunday school. She was active in church work in earlier years, and maintained a loving interest in the church during her later years.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 31, 1960, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. EASTLAND. Mr. President, under the order previously entered, I move that the Senate do now adjourn until tomorrow at 10 o'clock a.m.

The motion was agreed to; and (at 7 o'clock and 2 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, April 1, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of March 30), 1960:

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1966:

Lester Clyde Carter, of Arkansas.
Robert T. Lister, of Oregon.

CALIFORNIA DEBRIS COMMISSION

Col. John A. Morrison, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Col. John S. Harnett, Corps of Engineers, to be reassigned.

U.S. PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by laws and regulations:

I. FOR APPOINTMENT

To be senior surgeons

David Brand
Louis S. Gerber

To be senior assistant surgeon

George W. Douglas, Jr.

To be senior sanitary engineer

Edwin L. Ruppert

To be senior assistant sanitary engineer

Leo Weaver

To be senior scientists

Alfred S. Lazarus
Olaf Mickelsen

To be scientists

Herbert T. Dalmat
John E. Porter

To be veterinary officer

James Lieberman

To be nurse officer

Marie H. Van Son

To be health services officer

Claudia B. Galiher

II. FOR PERMANENT PROMOTION

To be senior assistant surgeons

John W. Dickson
S. Paul Ehrlich, Jr.

To be senior assistant sanitary engineers

Delbert A. Larson
Thomas N. Hushower

To be assistant sanitary engineer

Joseph H. Meier

To be senior assistant pharmacist

Donald B. Hare

To be senior assistant nurse officer

Marie Herold

IN THE REGULAR ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

To be first lieutenants

Adams, Jack E., xxxxxx
Adcock, Thomas G., xxxxxx
Addicott, Charles W., xxxxxx
Ainsworth, Robert L., xxxxxx
Albright, Anthony F., xxxxxx
Allen, Robert C., xxxxxx
Aller, Dwight C., xxxxxx
Alsheimer, Robert H., xxxxxx
Alston, Pontha DeL., xxxxxx
Anderson, Curtis E., Jr., xxxxxx
Andrews, Richard P., xxxxxx
Appeldorn, Francis R., xxxxxx
Apperson, Jack A., xxxxxx
Armstrong, James S., Jr., xxxxxx
Arnold, Robert W., xxxxxx
Bachmann, Robert R., xxxxxx
Baeb, David E., xxxxxx
Bagnaschi, Albert L., Jr., xxxxxx
Bailey, George W., 3d, xxxxxx
Bainbridge, Thomas S., xxxxxx
Baldwin, Richard B., xxxxxx
Barbazette, John H., xxxxxx
Barber, Orion M., xxxxxx
Barisano, Louis, xxxxxx
Barker, Harold S., Jr., xxxxxx
Barlow, Donald J., xxxxxx
Bartlett, Gerald T., xxxxxx
Basse, Bernard W., xxxxxx
Baughman, Donald B., xxxxxx
Beasley, Benjamin B., xxxxxx
Beben, Joseph A., xxxxxx
Beckwith, Robert B., xxxxxx
Beckwith, Robert E., xxxxxx
Bedard, Richard G., xxxxxx
Beitz, Charles A., Jr., xxxxxx
Bell, Raymond E., Jr., xxxxxx
Bell, William E., xxxxxx
Bennett, Lester E., xxxxxx
Bergson, Richard W., xxxxxx
Berner, John J., xxxxxx
Bethke, Gerald H., xxxxxx
Beurket, David P., xxxxxx
Bieri, Leon D., xxxxxx
Billey, John J., xxxxxx
Bishop, Joseph A., xxxxxx
Bisping, Jack F., xxxxxx
Bizzell, Word G., xxxxxx
Blakeley, David C., xxxxxx
Blanck, John E., xxxxxx
Block, John R., xxxxxx
Bloomfield, John E., xxxxxx
Bodenhamer, Robert E., xxxxxx
Boivin, Arcade G., xxxxxx
Bokovoy, Jon E., xxxxxx
Bone, Aubra N., xxxxxx
Bonta, Stanley G., xxxxxx
Borgstrom, Richard O., xxxxxx

Bostancic, James F., xxxxxx.
Bourland, James M., xxxxxx.
Bowes, Donald J., Jr., xxxxxx.
Bowman, Donald C., xxxxxx.
Boyanowski, John G., xxxxxx.
Boyle, Ernest W., xxxxxx.
Breitenberg, Edward P., xxxxxx.
Brewer, John H., Jr., xxxxxx.
Brickhouse, Willie T., Jr., xxxxxx.
Britt, Albert S., 3d, xxxxxx.
Brittain, Richard T., xxxxxx.
Britton, James H., xxxxxx.
Brock, Jeffrey D., xxxxxx.
Brown, Beauregard, 3d, xxxxxx.
Brown, Richard W., xxxxxx.
Brudvig, Dale K., xxxxxx.
Buchan, Alan B., xxxxxx.
Buck, Champlin F., 3d, xxxxxx.
Buckner, Donald A., xxxxxx.
Buddo, James S., Jr., xxxxxx.
Bullotta, Anthony L., xxxxxx.
Burgdorf, Carl F., 2d, xxxxxx.
Burke, Richard A., Jr., xxxxxx.
Burke, William M., Jr., xxxxxx.
Burkhalter, Edward L., xxxxxx.
Burt, John C., xxxxxx.
Bushyhead, Edward R., xxxxxx.
Buttermore, Charles W., 3d, xxxxxx.
Bynam, Holland E., xxxxxx.
Byrd, Doxey, Jr., xxxx
Caldwell, Richard G., xxxxxx.
Calhoun, Charles C., xxxxxx.
Calvert, George H., xxxxxx.
Calyer, Peter D., xxxxxx.
Camp, Dave E., xxxxxx.
Campbell, Richard E., xxxxxx.
Campion, William W., xxxxxx.
Cannefax, Robert W., xxxxxx.
Carrier, Billy C., xxxxxx.
Carroll, William F., xxxxxx.
Carson, Martin B., xxxxxx.
Carter, Harold M., xxxxxx.
Cass, Stanley D., xxxxxx.
Chaney, Arlen L., xxxxxx.
Chapman, Paul P., xxxxxx.
Chase, Edward L., xxxxxx.
Chase, Gerald W., xxxxxx.
Chernault, James A., xxxxxx.
Chittick, Peter J., xxxxxx.
Christensen, Eric M., xxxxxx.
Christenson, Willard M., xxxxxx.
Christy, Bobby G., xxxxxx.
Circeo, Louis J., Jr., xxxxxx.
Clancy, Daniel, Jr., xxxxxx.
Clark, Joseph E., xxxxxx.
Clarke, Edward F., xxxxxx.
Cline, Donald H., xxxxxx.
Coates, Charles H., Jr., xxxxxx.
Collier, William T., xxxxxx.
Collins, David G., xxxxxx.
Comeau, Robert F., xxxxxx.
Conley, James A., xxxxxx.
Conrad, Hawkins M., xxxxxx.
Cooper, Charles H., xxxxxx.
Cooper, Jack B., xxxxxx.
Cooper, Robert A., xxxxxx.
Cordell, Ralph D., xxxxxx.
Cortez, James J., xxxxxx.
Cotter, Paul L., xxxxxx.
Craddock, Nicholas J., Jr., xxxxxx.
Craig, Donald G., xxxxxx.
Crater, John F., xxxxxx.
Crittenden, Robert N., xxxxxx.
Crofford, Clifford D., xxxxxx.
Cross, Freeman G., Jr., xxxxxx.
Crowl, Gilbert W., xxxxxx.
Culbertson, Jerome B., xxxxxx.
Cullins, Robert B., 3d, xxxxxx.
Cummins, William, Jr., xxxxxx.
Cunniff, Roy A., xxxxxx.
Currier, Roger M., 4th, xxxxxx.
Cutler, Edward J., xxxxxx.
Cygler, Joseph, xxxxxx.
Dagle, Robert A., xxxxxx.
Dahl, John F., xxxxxx.
Daily, Stanley J., xxxxxx.
Daluga, Richard B., xxxxxx.
Damme, Richard J., xxxxxx.
Davenport, Theodore G., xxxxxx.
Davies, William A., xxxxxx.
Davis, Robert B., xxxx
Dawson, John C., xxxxxx.
Day, Herman E., Jr., xxxxxx.
DeLany, Daniel J., xxxxxx.
DeSimone, Frank P., Jr., xxxxxx.
DeWitt, Calvin, 3d, xxxxxx.
DeWitt, Edward J., 3d, xxxxxx.
Dean, Richard C., xxxxxx.
Dearden, Sheldon W., xxxxxx.
Deshler, Robert C., xxxxxx.
Dick, William W., 3d, xxxxxx.
Dingler, Doyce M., xxxxxx.
Dodge, Rodney E., xxxxxx.
Dodson, John P., xxxxxx.
Doneski, Bernard J., 3d, xxxxxx.
Dougal, Richard K., xxxxxx.
Dowds, James B., xxxxxx.
Drudik, Robert L., xxxxxx.
DuBois, Donald A., xxxxxx.
Dubbelde, John B., xxxxxx.
Duffek, Malcolm M., xxxxxx.
Duncan, Wayne M., xxxxxx.
Duncan, William A., Jr., xxxxxx.
Dunn, James W., xxxxxx.
Dunning, Jon E., xxxxxx.
Durbin, William B., xxxxxx.
Dyson, Harold B., xxxxxx.
Easterwood, John L., Jr., xxxxxx.
Echevarria, William, xxxxxx.
Edgar, James S. V., xxxxxx.
Edwards, Richard I., xxxxxx.
Elder, John F., 3d, xxxxxx.
Ellis, William R., xxxxxx.
Emery, Richard F., xxxxxx.
Enfield, Norman R., xxxxxx.
Englander, Richard M., xxxxxx.
English, Don C., xxxxxx.
Ensign, Allyn B., xxxxxx.
Enxing, Daniel J., xxxxxx.
Erb, Charles D., xxxxxx.
Erickson, Darrold J., xxxxxx.
Ewanus, Milton D., xxxxxx.
Fadel, Richard A., xxxxxx.
Farrer, Gary R., xxxxxx.
Faulkender, Robert W., xxxxxx.
Fedje, Noel I., xxxxxx.
Felber, Theodore D., xxxxxx.
Fenton, Donald F., xxxxxx.
Fentress, Harry B., xxxxxx.
Fingles, Douglas O., xxxxxx.
Fiske, John R., xxxxxx.
Fitzpatrick, Donald K., xxxxxx.
Flanders, Norwood S., xxxxxx.
Focer, Samuel W., Jr., xxxxxx.
Follansbee, John N., xxxxxx.
Fong, Joseph Y. K., xxxxxx.
Fontanella, David A., xxxxxx.
Foster, Andrew R., Jr., xxxxxx.
Foster, John F., xxxxxx.
Fox, Barry P., xxxxxx.
Freeman, Carl F., xxxxxx.
Friend, William N., xxxxxx.
Fugitt, Billy W., xxxxxx.
Gale, Edward W., xxxxxx.
Galloway, Gerald E., Jr., xxxxxx.
Gann, Charles E., xxxxxx.
Garigan, Thomas P., xxxxxx.
Gaspard, Glaudis P., Jr., xxxxxx.
Gates, Kermit H., Jr., xxxxxx.
Gaustad, Peter J., xxxxxx.
Gaw, Stephen TenE., xxxxxx.
Gebhardt, William A., Jr., xxxxxx.
George, Dannie E., xxxxxx.
Ginter, Duane L., xxxxxx.
Glasgow, William L., xxxxxx.
Glen, George W. B., xxxxxx.
Glick, Stephen A., xxxxxx.
Goetz, John A., xxxxxx.
Goldberg, William, xxxxxx.
Golden, William L., xxxxxx.
Gooding, Ronald S., xxxxxx.
Goodson, Harry C., 3d, xxxxxx.
Gordon, Walter C., xxxxxx.
Grabow, Richard M., xxxxxx.
Gradillas, Henry C., xxxxxx.
Grant, David E., xxxxxx.
Grant, Michael E., xxxxxx.
Green, Thomas E., xxxxxx.
Greenwood, Walter A., xxxxxx.
Griswold, Edward C., xxxxxx.
Gross, Franklyn W., xxxxxx.
Gruhn, Thomas S., xxxxxx.
Guldner, Francis J., xxxxxx.
Hall, Clarence E., Jr., xxxxxx.
Hall, Francis W., Jr., xxxxxx.
Hallock, Donald V., xxxxxx.
Halloway, Kenneth E., Jr., xxxxxx.
Hamilton, James R., xxxxxx.
Hammond, Leroy D., xxxxxx.
Hamner, Richard S., xxxxxx.
Hanawald, Len M., xxxxxx.
Hancock, James H., Jr., xxxxxx.
Hanigan, Francis L., xxxxxx.
Harmon, Kendrick, xxxxxx.
Harring, Anthony U., xxxxxx.
Harrison, Henry L., xxxxxx.
Hatch, Henry J., xxxxxx.
Hatch, John F., Jr., xxxxxx.
Hawley, Gerald S., xxxxxx.
Hays, Paul A., xxxxxx.
Head, Brian F., xxxxxx.
Henthorne, James F., xxxxxx.
Herring, Bernard M., Jr., xxxxxx.
Hesse, Russell S., xxxxxx.
Heverly, Charles S., xxxxxx.
Hickey, Edward I., xxxxxx.
Hicklin, Thomas R., xxxxxx.
Hickman, Jere L., xxxxxx.
Hicks, Frederick G., xxxxxx.
Hicks, Gerald F., Jr., xxxxxx.
Higgins, Michael S., xxxxxx.
Higman, James H., xxxxxx.
Hildreth, Edward E., Jr., xxxxxx.
Hill, James L. E., xxxxxx.
Hill, John L., Jr., xxxxxx.
Hinds, William L., xxxxxx.
Hines, Joseph E., 3d, xxxxxx.
Hoagland, Merton B., xxxxxx.
Hocker, John R., xxxxxx.
Hoffman, Robert F., xxxxxx.
Holmes, Jasper F., xxxxxx.
Horn, Robert C., xxxxxx.
House, Joseph W., xxxxxx.
Houser, George M., xxxxxx.
Houser, Houston P., 3d, xxxxxx
Howes, Richard H., xxxxxx
Huckabee, William T., 3d, xxxxxx
Hudson, DeWitt H., Jr., xxxxxx
Hug, Charles M., xxxxxx.
Hughes, Jimmie T., xxxxxx.
Humphrey, Raymond F., xxxxxx
Hunt, Gordon M., xxxxxx.
Hylbert, Samuel L., xxxxxx
Ilsemann, Michael J., xxxxxx.
Isbell, James C., xxxxxx.
Iverson, George D., 5th, xxxxxx
James, Charles F., xxxxxx
James, Jesse H., xxxxxx
Jameson, James J., Jr., xxxxxx
Jenis, Donald S., xxxxxx.
Jenkins, James R., xxxxxx
Johns, Robert N., xxxxxx.
Johnson, Andrew C., xxxxxx.
Johnson, Arthur D., xxxxxx.
Johnson, Chester F., xxxxxx
Johnson, Clifton R., xxxxxx
Johnson, Stanley T., Jr., xxxxxx
Johnstone, Homer, Jr., xxxxxx.
Jones, Gilbert E., Jr., xxxxxx.
Jordan, Howell H., Jr., xxxxxx
Kaeo, Peter K., xxxxxx.
Kaiser, James B., xxxxxx
Karalekas. Charles J., xxxxxx
Karsian, Raymond T., xxxxxx.
Kastner, George D., xxxxxx
Kawabata, Kazuto, xxxxxx
Kean, James A., xxxxxx.
Keefe, John L., Jr., xxxxxx.
Keeley, Thomas W., xxxxxx.
Keenan, Roy V., xxxxxx.
Kehoe, Thomas P., xxxxxx
Kelley, James F., xxxxxx.
Keneipp, George E., Jr., xxxxxx
Kennedy, Brian T., xxxxxx
Kennedy, Ronald D., xxxxxx
Kennett, Walter H., Jr., xxxxxx
Kenyon, Richard D., xxxxxx
Keogh, John J., xxxxxx.
Ketchum, Raymond E. B., 2d, xxxxxx
Kidd, Wesley E., 2d, xxxxxx.
Kielkopf, Edward C., Jr., xxxxxx

Kilishek, George T., xxxxxx.
Kimura, Kay S., xxxxxx.
King, Charles B., Jr., xxxxxx.
King, Donald P., xxxxxx.
King, William T., xxxxxx.
King, William T., xxxxxx.
Koch, William W., 2d, xxxxxx.
Koehler, Herman F., xxxxxx.
Kolb, Carter M., Jr., xxxxxx.
Konstans, Constantine, xxxxxx.
Kovel, Maxim I., xxxxxx.
Krueger, Robert F., xxxxxx.
Kyasky, Robert A., xxxxxx.
Kyle, Paul G., xxxxxx.
Kyne, Charles K., Jr., xxxxxx.
LaPorte, Justin G., xxxxxx.
Lakics, Robert J., xxxxxx.
Landry, George D. Jr., xxxxxx.
Lane, Ralph B., xxxxxx.
Langworthy, Robert L., xxxxxx.
Laningham, William O. xxxxxx.
Lea, Charles E., xxxxxx.
Leach, John H., Jr., xxxxxx.
Leard, Robert E., xxxxxx.
Ledbetter, Johnny C., xxxxxx.
Leighton, Peter M., xxxxxx.
Leitzy, John D., xxxxxx.
Lenoci, Joseph V., xxxxxx.
Lewers, Sam, xxxxxx.
Ley, Donald R., xxxxxx.
Liakos, William G., xxxxxx.
Lillie, Charles F., xxxxxx.
Lindholm, Tom L., xxxxxx.
Lindsey, Jerry N., xxxxxx.
Little, John A., xxxxxx.
Loberg, John C., xxxxxx.
Lockaby, Jesse S., Jr., xxxxxx.
Loeffke, Bernardo, xxxxxx.
Lohmann, Carl W., xxxxxx.
Longo, Vincent J., xxxxxx.
Loomis, Robert W., xxxxxx.
Loudermilk, Roy L., Jr., xxxxxx.
Lusk, James A., xxxxxx.
Lustig, Jacob E., xxxxxx.
Luther, Ralph A., xxxxxx.
MacGill, James F., xxxxxx.
MacKusick, Arthur L., Jr., xxxxxx.
Madsen, Arlyn R., xxxxxx.
Magadieu, Walter R., xxxxxx.
Maloney, James E., 3d, xxxxxx.
Malouf, Terrence G., xxxxxx.
Manahan, Richard R., xxxxxx.
Mangum, Robin, xxxxxx.
Manning, Albert E., xxxxxx.
Marrella, Leonard S., xxxxxx.
Marriott, James M., xxxxxx.
Martin, Mason E., xxxxxx.
Martin, Robert F., xxxxxx.
Martin, Yancey F., xxxxxx.
Martinez, Howard M., Jr., xxxxxx.
Mastro, Franklin D., xxxxxx.
Mathis, Milton H., xxxxxx.
Matthews, Church M., Jr., xxxxxx.
Mattison, Charles H., xxxxxx.
McBride, Eugene R., xxxxxx.
McBride, Morris R., xxxxxx.
McCall, Gerald T., xxxxxx.
McCarthy, Fox, xxxxxx.
McCarthy, John M., xxxxxx.
McConnell, Rodney D., xxxxxx.
McCoy, Robert L., xxxxxx.
McCraith, William T, xxxxxx.
McCrary, Thomas D., xxxxxx.
McCullom, Cornell, Jr., xxxxxx.
McDaniel, Jackson L., xxxxxx.
McDonald, Jackie L., xxxxxx.
McDonald, John M., xxxxxx.
McDonald, Thomas B., 3d, xxxxxx.
McDonough, Bruce B., xxxxxx.
McDowell, Richard L., xxxxxx.
McEvoy, Leo D., xxxxxx.
McGovern, George W., Jr., xxxxxx.
McHugh, Thomas P., xxxxxx.
McIntyre, William T., xxxxxx.
McKinstry, Thomas I., xxxxxx.
McLaughlin, John O., xxxxxx.
McNulty, William B., xxxxxx.
McWade, Albert S., xxxxxx.
McWhirter, Julian H., Jr., xxxxxx.
Mead, Dana G., xxxxxx.
Mead, Warne D., xxxxxx.
Medford, Dillard E., xxxxxx.
Meehan, John J. P., Jr., xxxxxx.
Melton, William L., xxxxxx.
Menefee, William P., xxxxxx.
Meng, Charles D., 2d, xxxxxx.
Merrick, Robert L., xxxxxx.
Messel, Albert K., xxxxxx.
Meyer, Conan G., xxxxxx.
Michel, Thomas E., xxxxxx.
Miklinski, Anthony R., xxxxxx.
Miler, Edward H., xxxxxx.
Miles, Ralph E., xxxxxx.
Miller, Austin E., xxxxxx.
Mills, Charles S., Jr., xxxxxx.
Mills, Peter K., xxxxxx.
Mills, Robert M., xxxxxx.
Mixter, Wilbur R., xxxxxx.
Monaco, Nicholas, Jr., xxxxxx.
Monofalcone, Frank L., xxxxxx.
Moore, Marshall L., xxxxxx.
Moreland, Gordon R., xxxxxx.
Morill, Phineas K., Jr., xxxxxx.
Morrissey, John J., Jr., xxxxxx.
Morton, Richard H., xxxxxx.
Moser, William R., xxxxxx.
Moses, Charles C., xxxxxx.
Moses, Laurence G., xxxxxx.
Mullen, David A., xxxxxx.
Murchison, John T., Jr., xxxxxx.
Murphy, John A., xxxxxx.
Murphy, John E., xxxxxx.
Murphy, William E., 3d, xxxxxx.
Murtland, Richard C., xxxxxx.
Myers, John T., xxxxxx.
Myers, Read E., xxxxxx.
Nader, Walter E., xxxxxx.
Nash, Tom P., Jr., xxxxxx.
Naumann, Ralph E., xxxxxx.
Negaard, Carman D., xxxxxx.
Nelson, Theodore R., xxxxxx.
Neukamm, Bruno J., Jr., xxxxxx.
Newman, Erman M., Jr., xxxxxx.
Newman, Joe B., xxxxxx.
Newman, Robert C., xxxxxx.
Newsom, Samuel J., Jr., xxxxxx.
Nicoll, Wayne B., xxxxxx.
Niles, Gary W., xxxxxx.
Nilsen, Marvin H., xxxxxx.
Nottingham, Jonathan D., xxxxxx.
Nuenke, William L., 3d, xxxxxx.
O'Brien, Robert A., Jr., xxxxxx.
O'Connor, James R., xxxxxx.
Ogden, Leigh M., xxxxxx.
O'Grady, George L., Jr., xxxxxx.
Olivares, Edward C., xxxxxx.
Olsmith, Edwin S., Jr., xxxxxx.
Olson, Hardin L., Jr., xxxxxx.
Olson, Martin G., xxxxxx.
Olson, Thomas E., xxxxxx.
O'Neal, Gordon M., xxxxxx.
Onellion, Willard M., Jr., xxxxxx.
Owens, Sherril, xxxxxx.
Ownby, Robert G., xxxxxx.
Padgett, Lary W., xxxxxx.
Pallo, Carl A., xxxxxx.
Palmer, Arthur N., xxxxxx.
Palmer, William T., xxxxxx.
Palmieri, Guy J., xxxxxx.
Panico, Lawrence J., Jr., xxxxxx.
Parker, Kenneth A., xxxxxx.
Pastore, Richard M., xxxxxx.
Pataro, Rudolph N., Jr., xxxxxx.
Patrick, Burton D., xxxxxx.
Patterson, Jerry K., xxxxxx.
Patterson, Raydean H., xxxxxx.
Patterson, Willard L., xxxxxx.
Peach, James G., xxxxxx.
Pearson, Theodore J., Jr., xxxxxx.
Peckham, John H., xxxxxx.
Penrose, Newton B., xxxxxx.
Pepples, Ernest C., Jr., xxxxxx.
Perrine, David P., xxxxxx.
Person, John L., Jr., xxxxxx.
Peterson, Robert A., xxxxxx.
Pettibone, Earl W., xxxxxx.
Pfeiffer, Richard W., xxxxxx.
Pocock, James A., xxxxxx.
Polansky, Barnard, xxxxxx.
Politis, John N., xxxxxx.
Pope, Donald R., xxxxxx.
Pore, Stanley C., Jr., xxxxxx.
Porter, Royce L., xxxxxx.
Portier, Gerald C., xxxxxx.
Potamos, Christ F., xxxxxx.
Powell, James D., xxxxxx.
Press, Donald E., xxxxxx.
Prewitt, Herbert F., xxxxxx.
Price, Clifford B., Jr., xxxxxx.
Price, George W., Jr., xxxxxx.
Price, Roy C., xxxxxx.
Pritchard, Walter L., Jr., xxxxxx.
Proulx, Clovis B., xxxxxx.
Puett, Joseph F., Jr., xxxxxx.
Purdy, John W., xxxxxx.
Quatannens, Louis S., xxxxxx.
Quinn, Thomas M., xxxxxx.
Quintard, Jerry L., xxxxxx.
Radler, Charles M., xxxxxx.
Rafferty, James E., xxxxxx.
Rahn, William E., xxxxxx.
Rambadt, Donald C., xxxxxx.
Ramsden, John J., xxxxxx.
Ramsey, Russell W., xxxxxx.
Rawls, Robert E., xxxxxx.
Ray, James W., xxxxxx.
Raymond, Charles L., xxxxxx.
Real, John P., xxxxxx.
Reget, Gene R., xxxxxx.
Reidy, William D., xxxxxx.
Reifsnyder, Robert L., xxxxxx.
Reynolds. Robert M., xxxxxx.
Rhicard, Clinton P., xxxxxx.
Rhoades, Glen L., xxxxxx.
Rice, Hughes H., Jr., xxxxxx.
Richardson, George L., xxxxxx.
Riedl, William H., xxxxxx.
Riley, John G., xxxxxx.
Ring, Taft C., xxxxxx.
Ritchey, John P., xxxxxx.
Robinson, Nicholas J., xxxxxx.
Roebuck, Thomas W., xxxxxx.
Rogers, George V., xxxxxx.
Rogers, Gordon B., Jr., xxxxxx.
Rogers, William R., xxxxxx.
Rogler, Francis E., xxxxxx.
Roller, Robin J., xxxxxx.
Roman, Theodore, xxxxxx.
Rose, Barnes W., Jr., xxxxxx.
Rose, Buel T., xxxxxx.
Rose, James E., xxxxxx.
Rosenberg, Theodore M., xxxxxx.
Roth, Morton F., xxxxxx.
Ruder, Jesse H., Jr., xxxxxx.
Runnion, Glenmore J., xxxxxx.
Runyan, Thomas E., xxxxxx.
Russell, Herbert G., Jr., xxxxxx.
Russo, Joseph S., xxxxxx.
Sadler, Clyde D., xxxxxx.
Salmonsen, Peter C., xxxxxx.
Salzman, James D., xxxxxx.
Sanders, Reuben L., xxxxxx.
Sanford, Thomas H., xxxxxx.
Sankey, John D., xxxxxx.
Santa Barbara, Joseph R., xxxxxx.
Saunders, Don M., xxxxxx.
Schaefer, John E., xxxxxx.
Schafer, Donald R. xxxxxx.
Scholtes, Richard A., xxxxxx.
Schooley, William R., xxxxxx.
Schorr, David E., xxxxxx.
Schubert, John E., Jr., xxxxxx.
Schumacher, Henry J., xxxxxx.
Scott, Jerry C., xxxxxx.
Scott, John O., xxxxxx.
Scudder, Charles P., 3d., xxxxxx.
Sedgwick, Clyde N., xxxxxx.
Seely, William B., xxxxxx.
Seitz, Donald E., xxxxxx.
Serrin, Phillip A., 2d, xxxxxx.
Seward, Richard W., xxxxxx.
Shaddock, Carroll W., Jr., xxxxxx.
Sharp, Charles W., xxxxxx.
Shellabarger, Harold L., xxxxxx.
Shimek, E. Joe, 2d, xxxxxx.
Shoptaugh, Leland D., xxxxxx.
Siegel, James L., xxxxxx.
Silnes, Sigvart R., xxxxxx.
Simila, Kenneth R., xxxxxx.
Simmons, Cecil K., xxxxxx.
Sims, Wesley N., xxxxxx.
Sindoni, Samuel S., xxxxxx.
Smith, David L., xxxxxx.

Smith, Donald R., xxxxxx.
Smith, James D., xxxxxx.
Smith, Jimmy W., xxxxxx.
Smith, John F., 3d, xxxxxx.
Smith, Melford E., xxxxxx.
Smith, Reidar H., xxxxxx.
Smith, Walter D., xxxxxx.
Smith, William L., xxxxxx.
Smolenyak, George C., xxxxxx.
Sobraske, John E., xxxxxx.
Solberg, Anthony M., xxxxxx.
Solomon, Jack M., xxxxxx.
Somerville, Paul F., xxxxxx.
Sowers, William R., Jr., xxxxxx.
Soyster, Harry E., xxxxxx.
Spector, Joseph H., xxxx.
Spencer, Wayne D., xxxxxx.
Speth, Gerald L., xxxxxx.
Spodobalski, Anthony C., xxxxxx.
Sprague, Charles R., xxxxxx.
Sprague, James D., xxxxxx.
Spurgers, Roy K., xxxxxx.
Stackhouse, Donald R., xxxxxx.
Steger, George F. xxxxxx.
Stein, Michael K., xxxxxx.
Stein, Philip A., xxxxxx.
Stemley, Gary A., xxxxxx.
Stephenson, Richard E., xxxxxx.
Stevens, Francis R., Jr., xxxxxx.
Stinson, Kenneth B., xxxxxx.
Stipe, Aquila E., xxxxxx.
Stockhausen, William T., xxxxxx.
Stokes, John H., 3d., xxxxxx.
Stone, Charles B., 4th, xxxxxx.
Stout, Bruce F., xxxxxx.
Sturgis, Barry B., xxxxxx.
Sullivan, Garland W., xxxxxx.
Summers, Wallen M., xxxxxx.
Swann, Roscoe A., Jr., xxxxxx.
Swenson, James A., xxxxxx.
Swindler, Murray G., xxxxxx.
Szvetecz, Edward, xxxxxx.
Takenaka, Harold H., xxxxxx.
Tate, Lester B., xxxxxx.
Taylor, James Van P., xxxxxx.
Teale, Willis E., Jr., xxxxxx.
Tedeschi, Joseph R., xxxxxx.
Tener, Robert K., xxxxxx.
Tengan, James T., xxxxxx.
Thomas, David N., xxxxxx.
Thomas, Robert W., xxxxxx.
Thompson, Chadwick C., xxxxxx.
Thompson, Ross E. G., xxxxxx.
Thompson, Thomas G., xxxxxx.
Thompson, William R., xxxxxx.
Tilton, Robert C., xxxxxx.
Timmons, Robert W., Jr., xxxxxx.
Tobin, Kenneth D., xxxxxx.
Tomaka, Karl S., xxxxxx.
Toole, Jay C., xxxxxx.
Traficante, Anthony J., xxxxxx.
Trainor, James L., xxxxxx.
Trees, Lester W., Jr., xxxxxx.
Tribe, Donald S., xxxxxx.
Tullington, Bernard J., Jr., xxxxxx.
Turnbull, Robert B., xxxxxx.
Tweddell, Johnny B., xxxxxx.
Tynes, Theodore R., Jr., xxxxxx.
Vail, Robert B., xxxxxx.
Vaille, John D., xxxxxx.
Van Buskirk, Kenneth C., Jr., xxxxxx.
Van Cleave, Henry D., Jr., xxxxxx.
Vanden Boom, James R., xxxxxx.
Vardamis, Alexandera, Jr., xxxxxx.
Varner, VeLoy J., xxxxxx.
Vaughan, William A., xxxxxx.
Vaughn, Norman M., Jr., xxxxxx.
Vermillion, Robert V., xxxxxx.
Vickers, John H., xxxxxx.
Vockery, William L., xxxxxx.
Voorhees, Theodore B., xxxxxx.
Vuono, Carl E., xxxxxx.
Waldenmaier, Carl H., xxxxxx.
Walker, Jack E., xxxxxx.
Wallace, Guy E., xxxxxx.
Walsh, Fenwick A., Jr., xxxxxx.
Walton, Clifford A., Jr., xxxxxx.
Ward, William A., xxxxxx.
Waters, John L., xxxxxx.
Watson, Gerald G., xxxxxx.
Weber, Andrew M., Jr., xxxxxx.
Webster, Howard E., Jr., xxxxxx.
Wells, David K., xxxxxx.
Wells, Donald G., xxxxxx.
Westerfeldt, Robert C., xxxxxx.
Weston, Ray D., xxxxxx.
Whalen, Donald P., xxxxxx.
Wheatley, Charles W., xxxxxx.
White, Lofton H., xxxxxx.
White, Stanley Z., xxxxxx.
Wilhelm, Edmund A., xxxxxx.
Wilkinson, John C., xxxxxx.
Willett, Frank W., xxxxxx.
Williams, Charles L., 3d, xxxxxx.
Williams, Graybill E., xxxxxx.
Williams, Jerry R., xxxxxx.
Williams, Ross S., xxxxxx.
Williamson, Duane E., xxxxxx.
Williamson, James C., xxxxxx.
Wilson, Albert H., 3d, xxxxxx.
Wilson, Gordon E., xxxxxx.
Wilson, Nicholas B., xxxxxx.
Winters, Donald L., xxxxxx.
Winters, Robert E., xxxxxx.
Wise, Joseph R., xxxxxx.
Wishart, Leonard P., 3d, xxxxxx.
Witbrodt, Donald J., xxxxxx.
Witherow, John M., xxxxxx.
Witmer, John A., xxxxxx.
Wittman, Clarence E., xxxxxx.
Wolff, Robert A., xxxxxx.
Wood, James G., Jr., xxxxxx.
Wood, Peter W., xxxxxx.
Woolnough, James P., xxxxxx.
Wright, Stuart E., xxxxxx.
Wright, William K., xxxxxx.
Wynd, William R., xxxxxx.
Yates, William E., xxxxxx.
Young, Lloyd D., xxxxxx.
Yuhn, John T., xxxxxx.
Yuill, Stuart J., xxxxxx.
Zabriskie, Cedric J., xxxxxx.
Zachgo, Durl D., xxxxxx.
Zirkle, Michael N., xxxxxx.
Zoeller, Robert J., xxxxxx.

To be first lieutenants, Women's Army Corps

Clifford, Margaret F., xxxx.
Raines, Ruth D., xxxx.

To be first lieutenants, Medical Service Corps

Bowen, Carl L., xxxxxx.
Fisher, George A., xxxxxx.
Geringer, Gerald G., xxxxxx.
Gourley, John H., xxxxxx.
Herndon, Joseph E., Jr., xxxxxx.
Merten, George D., xxxxxx.
Mills, Freddie J., xxxxxx.
Muglia, Joseph R., xxxxxx.
Naylor, Donald L., xxxxxx.
Oliger, Raymond S., xxxxxx.
Reue, David N., xxxxxx.
Santori, Luis A., xxxxxx.
Schulze, Howard D., xxxxxx.
Starr, Jon L., xxxxxx.
Turner, James G., xxxxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

To be majors

Cichanski, William Joseph, xxxxxxx.
Graham, James Elliott, xxxxxxx.
McDugald, Lunsford Vaughn, xxxxxxx.
Meyers, Lowell Jerome, xxxxxxxx.
Olson, Charles Marshall, xxxxxxx.

To be captains

Bourgeois, Randolph Cosmos, xxxxxxxx.
Brown, Jack Walter, xxxxxxx.
Cain, Robert Osborne, xxxxxxx.
Ciolek, Robert Walter, xxxxxxxx.
Duke, Richard John, xxxxxxxx.
Fox, Lothar, xxxxxxxx.
Frank, Edward Roy, Sr., xxxxxxxx.
Howell, William Caudy, xxxxxxx.
Katt, Beaufort Charles, xxxxxxxx.
Koen, Clyde Hall, Jr., xxxxxxxx.
Lupton, Johnnie Edward, xxxxxxxx.
McDowell, Chester Woodford, Jr., xxxxxxxx.
Needles, Paul Edward, xxxxxxxx.
Rosenstein, Marvin, xxxxxxxx.
Schnepp, William H., xxxxxx.
Thomas, Monroe Glenn, xxxxxxx.
Tisch, Donald Calvin, xxxxxxxx.
White, Richard Roland, xxxxxx.
Wisyanski, David Anthony, Jr., xxxxxxxx.
Young, Clarence Joseph, xxxxxxxx.

To be first lieutenants

Abramoski, Leo Bert, xxxxxxxx.
Branch, John Henry, Jr., xxxxxxxx.
Gruber, Robert Eugene, xxxxxxx.
Hammond, Robert Dale, xxxxxxxx.
Hartsock, Frank Eugene, Sr., xxxxxxxx.
Hermes, George Albert, xxxxxxx.
Hesson, James Marsh, xxxxxxxx.
Hunter, Joseph Louis, xxxxxxxx.
Lee, Curtis Don, xxxxxxxx.
Lopes, Francis Joseph, xxxxxxxx.
Lyle, John Allen, xxxxxxxx.
McCormick, James Cale, xxxxxxxx.
McGowan, Richard Milton, xxxxxxxx.
McKinley, Martin Ellsworth, xxxxxxxx.
McNider, Henry Bennett, III, xxxxxxxx.
Morrell, Richard Stuart, xxxxxxxx.
Moscovic, Paul Stephen, xxxxxxxx.
Ruttman, Lloyd Jewell, xxxxxxxx.
Schneeman, Douglas, xxxxxxxx.
Shaylor, Thomas Clyburn, xxxxxxxx.
Smith, Laurence Dale, xxxxxxxx.
Spence, John Dwight, xxxxxxxx.
Timlin, Jerome Paul, xxxxxxxx.
Walker, Travis Lloyd, xxxxxxxx.
Woods, Robert Paul, xxxxxxxx.

To be second lieutenants

Allingham, Edgar Robert, xxxxxxxx.
Amazeen, Charle Porter, Jr., xxxxxxxx.
Anderson, James Carl, xxxxxxxx.
Ashley, Alvie Owen, xxxxxxxx.
Avillar, Frank Manuel, xxxxxxxx.
Barge, Walter Shepherd, xxxxxxxx.
Barnebey, Hoyt Warren, xxxxxxxx.
Bayha, William Thomas, xxxxxxxx.
Bloedorn, Gary Warren, xxxxxxxx.
Brown, Oreal Lynnwood, xxxxxxxx.
Butcher, Robert Paul, xxxxxxxx.
Callahan, Donald Joseph, xxxxxxxx.
Carbone, Anthony Joseph, xxxxxxxx.
Carlson, Carl Emil, xxxxxxxx.
Chapple, Gerald Richard, xxxxxxxx.
Collamore, Jerry Allan, xxxxxxxx.
Cook, Kenneth Julian, xxxxxxxx.
Correa, Manuel, Jr., xxxxxxxx.
Courtney, Clayton Albert, xxxxxxxx.
Dardy, Leo Joseph, xxxxxxxx.
Davis, Billy Gene, xxxxxxxx.
Dearing, David Palmer, xxxxxxxxxx.
Distefano, Herbert Cole, Jr., xxxxxxxx.
Eggleston, Howard Carpenter, xxxxxxxx.
Goodman, Donald Wayne, xxxxxxxx.
Greer, Robert Bunn, xxxxxxxx.
Hair, Henry Horry, III, xxxxxxxx.
Heinmiller, Arthur Edwin, xxxxxxxx.
Hill, Frederick Panknin, Jr., xxxxxxxx.
Hodges, Harvey Duane, xxxxxxxx.
Hollingsworth, Lindy Edison, xxxxxxxx.
Holm, Duane Arlo, xxxxxxxx.
Hubbard, Robert Vernon, xxxxxxxx.
Jameson, Gene Lanier, xxxxxxxx.
Jennings, Gerald Ritchie, xxxxxxxx.
Keller, Nicholas Michael, xxxxxxxx.
Liepins, George, xxxxxxxx.
Lindsey, Charles Ruben, xxxxxxxx.
Lord, Frederick John, Jr., xxxxxxxx.
Mahalko, Gerald John, xxxxxxxx.
Massey, Lee Thompson, xxxxxxxx.
McCann, Thomas Patrick, xxxxxxxx.
McCarthy, Patrick Francis, xxxxxxxx.
McDonough, John Martin, xxxxxxxx.
Miller, Charles Edgar, xxxxxxxx.
NeeSmith, Delmus Morrison, xxxxxxxx.
Norton, Graham James, Jr., xxxxxxxx.
Oliva, Albert John, Jr., xxxxxxxx.
Parkhurst, Henry Adams, xxxxxxxx.
Pendarvis, Donald Ray, xxxxxxxx.
Richards, Gene Max, xxxxxxxx.
Rochester, James Virgil, xxxxxxxx.
Rougeau, James Louis, xxxxxxxx.
Sambol, Donald George, xxxxxxxx.
Schultz, Kenneth Redmore, xxxxxxxx.
Skelly, James George, xxxxxxxx.

Skidmore, John Don, [redacted].
Spaulding, Richard Alden, [redacted].
Strandes, Peter Kurnik, [redacted].
Talbot, Ralph, IV, [redacted].
Thomas, Ronald Elayne, [redacted].
Tucker, Woodson Coleman, III, [redacted].
Valimont, Benjamin Franklin, [redacted].
Wilkins, Jesse Bradsher, Jr., [redacted].
Williams, Michael Kent, [redacted].
Wilmot, Richard Wayne, [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, 3291, 3292, and 3294:

To be captain, Army Nurse Corps

Lewis, Agnes Katherine, [redacted].

To be captains, Medical Corps

Blackburn, Dwight Leroy, [redacted].
Carter, Samuel Chase, [redacted].
Chollet, Hillary Anthony, [redacted].
Knight, Lee Roger, [redacted].
Peterson, Karl Ralph, [redacted].
Pyke, Thomas Walter, [redacted].
Wiese, Lowell Merton, [redacted].
Wilson, William Berry, Jr., [redacted].

To be captain, Medical Service Corps

Meadows, James Herman, [redacted].

To be captain, Veterinary Corps

Eckermann, Edgar Hugh, [redacted].

To be first lieutenants, Army Nurse Corps

Farrell, Joanne Teresa, [redacted].
McLeod, Alva Juanita, [redacted].

To be first lieutenants, Dental Corps

Allwein, John Bowman, [redacted].
Bass, Kenneth David, [redacted].
Beachum, Jerry Robert, [redacted].
Haden, Jackie Lee, [redacted].

To be first lieutenants, Judge Advocate General's Corps

Davis, Alonzo Franklin, [redacted].
Radosh, Burnett H., [redacted].

To be first lieutenants, Medical Corps

Anderson, Carl Andre.
Bezreh, Anthony Andrew, [redacted].
Brott, Walter Howard, [redacted].
Downes, Hall, [redacted].
Grauman, David Willis, [redacted].
Hardy, David Lopp, [redacted].
Libcke, John Hanson, [redacted].
McAndrew, John Burton, [redacted].
McCaffery, James Michael, [redacted].
Rudman, Harold Leon, [redacted].
Vines, Donald Hoyt, [redacted].
Vuksinick, Louis Martin.
Ylitalo, Elmer Waldemar, [redacted].

To be first lieutenants, Medical Service Corps

Collins, William Stanley II, [redacted].
Crosley, John Kenneth, [redacted].
Eldridge, Bruce Frederick, [redacted].
Wilson, Robert Geoffrey, [redacted].

To be second lieutenant, Army Nurse Corps

Kingsbury, Betty Jane, [redacted].

To be second lieutenants, Medical Service Corps

Brown, Thomas Joseph, [redacted].
Mendell, James Martin, [redacted].
Miller, Roger Curtis, [redacted].
Nelson, Jerald Oliver, [redacted].
Pedersen, Edward Robert, [redacted].
Thompson, George Edwin, [redacted].

The following-named person for appointment in the Regular Army by transfer in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, and 3292:

To be first lieutenant, Judge Advocate General's Corps

Poydasheff, Robert Stephen, [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288.

To be second lieutenants, Medical Service Corps

Neal David Beinhacker
Veltin Joseph Boudreaux, Jr.
Raymond Lee Brown, Jr.
Billy Ray Caldwell
John Robert Cauble
Rogers Leon Coats
Ralph Donald Coffey, Jr.
Charles Edwin Delane
Dennis Blaine Forrer
James Lawrence Gore
Fredrick Lynn Greene
John Crawford Hamilton
Carlos Harris
Cecil Bernard Harris
Phillip Frank Hudson
Johnnie Ray Jackson
John Joseph Kilfoil
Charles Dean Larsen
Wayne Miller McLaughlin
John William McNeil
William Joseph Mullins, Jr.
William Duncan Oswald
Ronald Crandall Payette
Larry Gene Powell
Russell Edward Prescott, Jr.
Roy Stephen Roach
Michael James Rudick, Jr.
Calvin Philip Sandifer VI
Dyre Frederick Sibrans
Robert David Snoddy
Horace Grady Taylor
Leonard Joseph Timpone
John Wesley Turner, Jr.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

Donald Bruce Abel, Jr.
Robert Benjamin Adair
Frank Sidney Adams
Glen Thomas Adams
Roy Bernard Adams
Stewart Edward Adams
Jerry Wayne Adcock
David Lawrence Adderley
Thomas Henry Agamenoni
Larry Pat Aikman
Jesse Calvin Aldridge
Joseph Daniel Alexander
Robert Thornton Alguire
James Evans Alling
William Thomas Allison
Luis Alvarez-Garcia
Robert Joseph Amirault
Anthony John Anastation
Donald Anthony Anchors
James Young Anderson, Jr.
Powell Robins Anderson
Robert Alexander Anderson
Warren Hargis Anderson
William Campbell Andrews
Michael Neil Appell
Donald Lee Applegarth
C. A. Archer
Robert Farr Armstrong
Dixon Arnett
Warren Austin Arthur
Edward Barrett Atwood, Jr.
Douglass Bradford Auer
George Robert Ax
Wallace Riddick Baker, Jr.
Richard Arnold Baldwin
Richard Stewart Bartlett
Stephen Ralph Bartlett
James Francis Baur
George John Baxter
Robert Carleton Bearse
Ronald Andrew Beauchamp
Lawrence Alphonse Beaudin, Jr.
George Wood Beeler, Jr.
William Henry Beird
Gary Lee Beiswanger
David Paul Belanger
Donald David Belcher
Alexander Bernard Belenski
Philip Robert Belisle
Thomas Jon Belzer
Louis Joseph Benedict
Carl Alton Benner, Jr.
Hugh Clements Bennett, Jr.
James Lineau Bennett
David Italo Bertocci
David Arnold Bevis
James Humbert Bianchi
Randolph Tracy Bibb, Jr.
Alvin Arthur Bicker
Barry Basil Billings
Ronald Eugene Bilyeu
James Willis Bingham
Hugh Hamlett Blackwell
Milton Pearce Blake
William Benjamin Blake
John Howard Blewett
Harold Hersey Bloch
William Vande Bogart
Joseph Paul Bohn
Phil Knox Bomersheim
Leslie Randolph Borland, Jr.
Kenneth Cobb Bowden
Joseph Milton Bowers, Jr.
William Hampton Bowers
Wilbur Grant Bowersox
Joseph Raphael Bowling, II
Albert Julian Boyer
Harry Ward Boyles, Jr.
Marvin Preston Braden
Larry Newell Bradford
Marvin Delano Brailsford
Harold James Brand, Jr.
Gordon Taylor Bratz
William Waddell Brett
Orlan Hiers Briant
Patrick Joseph Briody
Charles Christian Brown, Jr.
George Newell Brown, Jr.
James Harrison Brown
James Peter Brown
Samuel Lee Brown
Shirley Maurice Brown, Jr.
William Kenneth Brown, Jr.
Willie Claiborne Brown
Larry Don Brugh
Robert Hal Brumblay
Joe Stephens Bryan
Robert Louis Bryant
James Ansel Buford, Jr.
William Henry Bumgardner
Ralph Thorne Bunten, Jr.
Raymond Clarence Burdick, Jr.
George Winburn Burkley
John William Burns
Timothy Frederic Burns
Alan Archer Butchman
Billy Carl Butler
Michael Anderson Butterworth
Kenneth Arnold Byrd
John Joseph Byrne
Robert William Byron, Jr.
James Wright Cafky
Eugene Joseph Callahan
Joseph Charles Callahan
William Edward Callender
Jack Arnold Campbell
Terry Marcus Carlton
Roger Francis Xavier Carney
John Michael Carr
Milton Baxter Carr
Louis Arthur Carville III
John Barry Cary, Jr.
Joseph Glen Casanova
Thomas Aquinas Cavanaugh
Gordon Harrison Chader
Harry Chaffin, Jr.
Robert Lyman Chick
Robert Mahlon Chiles
James Ralph Choplick
Frederick Nels Christophersen
Herbert Nathaniel Clark
Jack Lee Clark
Thomas Campbell Clay
Conrad Stephen Cleale
Donald Edward Cleaver
Donald Francis Clement
David Garrett Cleveland

Corwyn Milton Cline
Keith Edward Clum
Robert Haslup Cole
Theodore Robert Cole
Barry Smith Collins
Conrad Green Collins, Jr.
Francis Chandler Collins
Anthony Peter Combriato, Jr.
Jon David Cook
Clinso Copeland, Jr.
Thomas Henry Cornick
Neil Laird Corry
Joseph Costa, Jr.
Louis Philip Costa
Emile Pierre Coulon
James Eugene Covan
Jerry Gordon Crampe
Robert Philip Crandall
William Sherman Creighton, Jr.
William Frank Cressall
Raymond Francis Crickenberger
James Raymond Crinan
Don Warren Crockett
Ross William Crossley
Ralph Lerance Crutchfield, Jr.
Joseph Cuccaro
William John Cully
Clovis Ray Culp
Richard Berg Culp
Emmitt Lee Curry
Weldon Kennerly Curry
James McRee Cushman
William David Cutler
Jerry Robert Daily
Robert Henry Damm
James Patrick Daniel
Harold W. Darden, Jr.
Jimmie Solomon Daughtry
Joseph D'Aulerio, Jr.
Robert Matthew Davidson
Lynn Evan Davis
Voy Leland Davis
Jerry Avery Day
Richard John Day
James Welborne Dearlove
Jones Thomas Deaton, Jr.
Roger Berryl Decker
Wellington Paul Degener
Javan Michael DeLoach
Louis Joseph Demarest
J. Thomas Heflin Denney
Edward Cornelis de Vente
Samson S. Dickens
Myron Diduryk
Joseph Andrew Dion
Eugene Joseph Dobrzelecki, Jr.
Paul Sargent Donahue
Benjamin Lewis Donaldson
Daniel Joseph Dorf
Hunter Riley Douglas
Joel Melvin Douglas
William James Doyle
Earle Avon Drake
Warren Edgar Drew
Lewis Frazer Driver
Ronald Edward Drumheller
Larry Carl Dubberly
John A. Duff
Jerry Gene Duncan
John Malloy Dunham
Rockwood Sweeney Dunham
Gerald Dwight Dupree
Ronald Samuel Durian
George James Dwyer
Robert Emerson Dyer
John Howard Dynes
Curtis Duncan Earp, Jr.
William Richard Easterling
Charles William Edgette
George Victor Edwards
Robert Henry Edwards
Harvey Leonard Eidinoff
Robert Eller
David Edward Ellis
Bruce Blake Ellsworth
Jerry Lee Endsley
Richard Alan Erickson
William Christian Erickson
Lester Andrew Erlemeier
Bobby Glenn Estep
David Owen Faist
Paul Wayne Falls
Jack Arthur Fecht
Robert John Federico
Raymond Eugene Fedynak
George Wood Feisthamel
Harlin LaVern Fenn, Jr.
George Albert Ferguson, Jr.
Robert Valentine Fernandez
Paul Frederick Ferrence
James Cecil Fields
Michael Joseph Finn
John William Fisher
Thomas Patrick Flanagan, Jr.
Thomas Whitney Flood
John Gerald Flora
Wilbert Flowers
Howard Joseph Floyd
George Quitman Flynn
John Michael Flynn
Stanley Lee Fonken
Philip Albert Forbes
Franz Josef Forster
Thomas Harman Foster
Willard Blake Foster
Donald Eugene Fowler
Robert Gary Francis
Charles Edward Frankenberger, Jr.
Weldon Clifford Franklin
Louis Dean Frederic Frasche
Howard Daniel Fraser
William Walter Freitag
William Carter French
Joe Allen Frerking
George Chisholm Frigard
Robert Craig Fulton
Robert Edward Gale
Robert Francis Galgano
Dwight Fred Garner
Gordon Gilbert Garney
Edward James Garrigan
John Raymond Garrison
Larry Daniel Gedney
Richard Stockwell Geehr
Thomas Lee Gensman
Barry Frederick Gentzler
Sabin Joseph Gianelloni III
Jerry Budinger Gibbs
John James Gibbs
George Peter Gick
Jerrold Lee Gililland
Marco Louis Patrick Gilliam
Kenneth Robert Glaser
Francisco Gonzalez-Cruz
Eldon Byron Good
Arnold Jacob Gordon
Dewitt Farr Gordon, Jr.
Arthur Kazuo Goto
Brian Thomas Grattan
Bernard William Gratzer III
Edward Robert Green
Grant Sherle Green, Jr.
Jimmy Wayne Green
Norris Barratt Green, Jr.
William John Greif
Norman Dale Grimmett
Douglas Lamar Grindle
Frederick Dudley Griswold
Kenneth Dudley Grundborg
James Adrian Guest
Charles Emil Guetle
William Robert Guffey
Max Guggenheimer, Jr.
Douglas Carew Guiler, Jr.
Richard George Guindon
Lars Bernt Hagen, Jr.
Charles Aloysius Hall
James John Hallihan, Jr.
George Arthur Hamilton
William Louis Hamilton
Frederick Reid Harder
Alva Valdora Hardin, Jr.
Albert Sidney Hardy III
William Elmont Harmon
James Adam Harper
Ernest Lee Harrison, Jr.
Joseph James Harrison, Jr.
Kent Edwin Harrison
Robert Bradley Harrison
Donald Scott Edward Hart
Edward Donald Hart
George Washington Hart
Trapier Keith Hart
William Francis Harvey III
Kenneth Charles Haupt
Richard Burdette Hawkins
Ralph Eugene Hayes
Frederick Leslie Haynes
Frederick Joseph Hebert
Roland Charles Hebert
Richard Adolf Hein
Arthur Larry Henderson
Robert Gray Henderson
Christopher Patrick Hendrickson
David Neuman Henigsman
Charles Whitney Henry
George Edley Henry, Jr.
John Franklin Henry III
George Albert Herbster
Alfonso Manuel Hernaiz
Joseph Henry Herold
Curtis James Herrick, Jr.
John Peter Herrling
Gerald Edward Herrmann
Charles William Herzig
George Philip Higdon, Jr.
James Linton Higginbotham
John Clark Higley
Robert Edwin Hoffman
Ludwig Carl Hoffman III
Donal Doris Hogan
Roger Deane Hohman
Billy Wayne Holbert
Robert William Holcomb
Allyn Adelbert Holland
James Clarence Holland
William Russell Holland
Peter Harvey Hollister
Allen Eldridge Holmes
Artemas Lawrance Holmes, Jr.
Simon Howard Holmes
Robert Page Holton
Harry Takeshi Honda
Samuel Wallace Hopkins, Jr.
Clifford Charles Horstman, Jr.
Leland Hollis Horton
Charles Edward House
Donald Eugene Houston
John Joseph Hovan
James Ralph Howard
Sherwin Ward Howard
Marvin Eugene Howell
Orvil Glade Hunsaker
William Homer Hunscher
John Woodrow Hunt
Robert Lance Hunter
Thomas Weston Hutchinson
Charles Albert Hutz
Ronald Shinichi Ichiyama
Anthony Edward Infantolino
Joseph Freeman Isenstein
Charles Henry Jackson, Sr.
Richard Michael Jacobson
Joseph Normand Jacques, Jr.
Robert Camille Jacquet
Ronald Richard Jalbert
Carlton Mize James, Jr.
Stephen Janowitz
Edward Roman Januszkiewicz
Jay Henry Jarrett
Charles William Jarvis
Clarence Edward Jewett, Jr.
James Gregory Johnson
Robert Bruce Johnson
Ronald Dale Johnson
Thomas Mee Johnson
Donald Houston Jolly
Arland Arthur Jones
Arthur Murlin Jones
James Charles Jones
Robert Ernest Jones
Paul George Jordan, Jr.
William James Jordan
Ernest Francis Jost
Meyer Kabot
Harold Frederick Kaiser, Jr.
George Robert Kane
Peter Paul Karabashian
James Walter Karaman
Kurt Lee Keene
John Thomas Keller
Richard Renker Keller
Robert Roy Kelly

Richard Herbert Kenyon
Bobby Gray Kiger
Harold Gene Kimes
Jack Junior King
James Roland King
Robert Allen Kirchgraber
Francis Bernard Kish
David Julian Klock
Douglas Frank Klosen
Bruce Evans Kniskern
Lawrence Rowland Knowles
Norman Tsutomu Kobayashi
John Kocis, Jr.
Richard Oscar Koford
Anthony James Kolodziejski, Jr.
Theodore Phineas Konkle
Robert Joseph Kopecky
Dale Michael Kopinski
Francis Stanislaus Kowalczyk
Francis Xavier Krahe
Gerald Kroll
Wayne Bellinger Kuhn
Jon Nicholas Kulish
William David Kutac
Simmin Neil Labell
George Thomas LaBlonde, Jr.
Salvatore Francis LaForgia
Nicholas Mathew Legattuta
William Richard Laird
Joseph Robert Lambert
Walter Kraft Lambert
Joseph Samuel Laposata
Aaron Jerome Larkins
Robert Alton Larson
Gerald Don Lasater
Billy Ray Lawson
Edward Kirby Lawson III
Samuel Murray Learned, Jr.
Charles William Lechner
Gene Harvey Lee
Stanley Martin Lee
Charles Stuart Lehrer
Charles Frederick Leonard III
Theodore J. Leonard
Ray Stewart Leuty
Stanley Burton Levy
John Meade Linebaugh
Stephen David Linn
James Earl Linton
Arthur Robinson Littlewood III
James Kerr Lloyd
George Joseph Logan, Jr.
Richard Allen Lohr
Russell Charles Lohrman
Roy Stephen Lombardo, Jr.
George Burnham Lott, Jr.
Reinhard Mann Lotz
Max Jay Loudenslager
Daniel Joseph Loughery
Neal Wallace Lovsnes, Jr.
Gary Oscar Lozier
Martin Lu
Ira Talmadge Luster, Jr.
David Bertram Lutton
David Francis Lynch
Robert Carlo Maccarini
James Craft Maccracken III
Joseph John Machado
James Anthony Macinko
David Maddox
Edward Reeves Maddox, Jr.
James John Mahoney
Ferdinand Maksimowski, Jr.
Carlton Alvin Mallory
Edward Joseph Manley, Jr.
Lawrence Michael Marafka
Joseph Richard Marotta
Dahl Marshall
Marion Howard Marshall
Stanley Joseph Martin
Patrick Nicholas Martone
Richard Mashburn, Jr.
John Thomas Mason III
Linn Hindman Matthews
Richard Jordan Matusoff
James Joseph Maul
Antonio Michael Mavroudis
John Oscar Mayo, Jr.
John Bernard McBennett
John Patrick McBennett, Jr.
Alan Robert McCahan
Francis Daniel McCann, Jr.
Daniel Joseph McCarthy
William John McCarthy
Clyde Robert McClelland
Michael Joseph McCollum
Michael Henry McCormick
John Edington McCown
Francis Benedict McCullough
Richard Raymond McDade
John Frederick McDermott
James Isaac McDowell
Martin Nelson McGeary, Jr.
James Byrne McGough, Jr.
Edward Francis McGushin
Frederick Stroman McKay
Michael Rudd McKee
Horace McKenzie
Wesley Garner McNett, Jr.
James Thomas McWain
Gerald Vernon McWilliams
Jay Bonnett Meador
Kenneth Ray Mechling
Philip Clarke Medenbach
John Frederic Melcher, Jr.
Roger Lynn Menchinger
Joseph Anthony Mercurio
Joseph Henry Mergler
Richard Dean Meriaux
Carroll Wayne Merlick
Leon Benjamin Metz, Jr.
David Kent Meyers
Robert Wesley Meyers, Jr.
Raymond David Michels
Robert Dent Middleton
John Lawrence Miles
George Patrick Miller
Gerald Cree Miller
Richard Sidney Miller
John Martin Minick
Keith Camden Mollohan
Thomas Shannon Molskow
Lawrence Anthony Monaco, Jr.
John Paul Montgomery
Frederick Thompson Moore, III
Thomas Peter Moore, Jr.
Jon Ralph Morgan
Kearney Hall Morgan, Jr.
Jimmy Ray Morris
Thomas McNamara Morse
John Ashby Morton
Albert Anthony Muehlberger
Robert Bruce Mulholland, Jr.
John Francis Mullen, Jr.
William Joseph Mullen
William Ronald Mullins
James Thomas Munsch
Don Black Munson
Fredrik Hugh Murrill
Robert Myers
Clarence Siefert Naatjes
Joseph Eugene Nadeau
Brian Thomas Napier
Richard Livingston Naughton
Robert Bell Neal, Jr.
Richard Hartwell Negus
Karl Franz Nehammer
John Robert Newman
John Franklin Niblack
James Albert Nicholas, Jr.
Lester Doyle Nichols
George Pleasants Noble III
Howard Joseph Nolan
Dale Frank Norton
Joel Thomas O'Brien
Richard John O'Brien
Thomas Francis O'Brien III
Danny Edward O'Connor
William Donald O'Hara, Jr.
George Werner Ohlendorf
Michael Lee O'Kane
William Duncan O'Neill
Edward James Osborne
Douglas Bruce Ostien
Matthew Henry Pachosa
Donald Edward Painter
William Lee Painter, Jr.
Lawrence Henry Palletti
Larry Brien Palm
Michael Anthony Paolino
Frank Ward Parker
Henry Bennett Parker
Jerry Wayne Patten
Kenneth Paulin
Hans Werner Paulsen
Larry Carmon Payne
Carl Alan Peabody
David Lee Pearce
Michael James Pepe
Whitman Coolidge Perham II
Alfred George Peterson
Levi Arnold Peterson
John O'Keefe Phelps
Paul Lawrence Pilanski
Rudolph Alton Pitcher, Jr.
Thomas Benton Pitcher
Arnold Ray Pleasant
Robert Charles Poe
Fred Rooks Pope
Edward Glenn Porterfield
Sidney Harold Powers
Eric Leroy Prall
Robert Roland Prevost
Howard George Pugh
Terry Clyde Pursel
Marida Ray Purvis
Richard Granville Pyle
John Anthony Quadrini
David Norwood Radike
Emile Anton Rainold III
Franklin Delanor Rains
Edward Lewis Ramsey III
Charles Gustav Rapp
Edward Gerard Rapp
Arthur Norman Rappaport
Ernest Herman Rautter
Charles Walker Raymond 3d
Fred Eric Redd III
Forrest Richard Redden, Jr.
Frank Siddall Reece
Alan Trask Reed
Henry McDavid Reed II
Clyde Milstead Reedy
Robert Willard Reese
Patrick Lambert Regan
Birge Douthitt Reichard, Jr.
Jonathan Drake Reiff
George Adam Rentschler, Jr.
Joseph Christian Reynolds
Richard Gardner Rhoades
Max Charles Richards
Jack Richens
Paul Kenneth Riley
James Lewis Rivers, Jr.
Edward Herndon Robertson, Jr.
Lawrence Lee Robertson
John Sanborn Rogers
Louis Rose
Richard Grayson Rose
Thomas Lee Rose
Arnold Louis Ross
Kenneth Lee Ross
William Paul Rovan
Christopher Charles Rudolph
Lawrence Glenn Runnion
Edward John Russell
Jerry William Russell
Francis John Russo
Joseph Edward Ryan
Michael Francis Ryan
William Joseph Ryland
Donald Bailey Safford
Clyde Frederic Saum
Charles Andrew Sawicki
James Christian Schaaf, Jr.
Robert Joseph Schaffhauser
Richard Riordan Schalk
Lynn William Scheirer
Paul Joseph Schmelzer
Michael Carl Schmidtman
David John Schneider
Frank Andrew Schollett
Roger Hart Schonning
Bruce Edward Schoppe
John Henry Schreiber, Jr.
Robert Charles Schroeder
David Brian Schuler
Richard Stephen Schultz
Lawrence John Schumann
Gilbert H. Schumpert, Jr.
Peter Milton Schuyler
Sheldon Alan Schwartz
Malcolm Paul Schwarzenbach, Jr.

William John Schweickert, Jr.
Carroll Thomas Sciance
Eric Harry Seagren
Richard Francis Sette
Donald Eugene Sexton
Billy Jack Shepherd
George Leo Shevlin, Jr.
James Gerard Shields
Richard Samuel Shumway
Edward Gresham Sills
Gerald W. Silver
Denis LeRoy Simmons
Kenneth Eugene Simmons
Andrew Robertson Simpson
William Caroll Simpson
James Lister Skinner
Stephen McLean Slattery
Anthony Stephen Slovacek
Sam Taylor Smathers
Peter John Smillkis
Don Allen Smith
Irving Benedict Smith
James Charles Smith
Stewart Edward Smith
William Henry Smith
Jerry Patrick Soderberg
Myron Bernard Sokolowski
James Lewis Sowell
Joel Charles Spaeth
William Herbert Spain, Jr.
Raymond Fasho Spigarelli
Michael Francis Spigelmire
William Allan Spin
Joseph Franklin Spitz
Allen Peterjohn Splete
Raymond Anthony Spunzo
Donald Leigh State
Gordon Stewart Steadman
Marion Archibald Steele, Jr.
Robert Jules Steffen
Kenneth Edward Steppe
William Lamson Stockman III
Gerald Benton Stofer
Rayburn Clifton Stovall
William Mitchell Strother
Carl Albert Strunk
Leonard Stanley Strzelecki
Walter Beynon Sturek
William Frederick Sturm
Barney Alan Sugg
Anthony Dwyer Sullivan
James Arnold Sullivan, Jr.
Richard Parker Sullivan
Robert Charles Swedberg
Richard David Sweeney
Homer George Taggart
Roger Jerome Tancreti, Jr.
Frank Andrew Tapparo
Harry Inett Taylor
Hurl Richmond Taylor, Jr.
James Franklin Thacker
Tommy Lennard Thorne
William Furman Thornton
James Doc Thurman
Joseph Leo Tierney
Clifford Richard Tillman
Henry Young Tillman, III
Felix Alberto Torres, Jr.
Ronald Alan Tourgee
Eugene Otto Trautmann
John Peter Trombino, Jr.
Robert Symons Troth
dePaul Richard Trunk
Richard Wesley Tuxill
David Harold Tyre
Richard Lee Tyson
James Girard Unger
Raymond Charles Valentine
Gordon David Van Amburgh
Bela Jozsef Vasvary
Herbert Edward Vaughan
Carl Parker Vermilyea
Anthony Michael Vickers
Ralph Lewis Waddell
Richard Ward Wagner
Louis Gregory Waldhour
William Roger Waldrop
James Henry Walker
Hubert Dalton Wallace
Bobbie Jack Waller
Charles Cornelius Washington
Robert Lee Waters
James Elwyn Watson, Jr.
Pitt Marvin Watts III
William Cleon Weathersby
James Howard Weaver
Gerald Edwin Webb
Richard Olin Webb
Faustin Neff Weber
Gerard Jenson Weber
Richard Ross Weisner
Michael Norton Welch
Herbert Daniel Wells
True Franklin Wells
Anthony Daniel Weyland
Gene Child Whaples
J. Dee Whisenhunt
Jerry Donald White
Berkley Allan Whipple
Basil John Whiting, Jr.
Lee Roy Whitley
Nathaniel Olmstead Whitlaw, Jr.
Rush Robert Wicker, Jr.
Thomas John Wilbanks
Charles Earl Williams
Samuel Douglas Williams
Stephen Beryle Williams
Charles Cole Wing, Jr.
Lawrence Jerome Winston
David Bitner Wirthlin
James Michael Wisby
Gerald Smithers Wolf
Robert Raymond Wolff
Larry Wayne Wood
George Satterwhite, Jr.
Thomas John Woodall
Lawrence Leonard Woodman, Jr.
Edward Richard Wynn
Phillip Takeshi Yamaguchi
Joseph Paul Yannuzzi
Donald York
Robert Laverne Yoxtheimer
Lawrence Paul Zaborowski
John Zebrowski, Jr.
William James Zimmer
Carl Edward Zoubra
Ervan Eugene Zouzalik

CONFIRMATION

Executive nomination confirmed by the Senate March 31 (legislative day of March 30), 1960:

POST OFFICE DEPARTMENT

Frank E. Barr., of Kansas, to be an Assistant Postmaster General.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 31, 1960

The House met at 12 o'clock noon.

Rev. Clark Robbins, First Methodist Church, Huntington Park, Calif., offered the following prayer:

Almighty God, our Father, Thou who art the way, the truth, and the life, come close to us each one in these quiet moments that we share together. Remind us that we are debtors to the past, to giant souls who have labored in these Halls and throughout the Nation. Remind us and help us to a larger love for freedom and for liberty. Save us from blindness to sins at home while we ask for reforms abroad. Make straight in the deserts of our time a highway of righteousness and peace and help us to walk thereon.

We ask these things in the name of Jesus Christ, our Lord and our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NAVAJO TRIBE OF INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act to convey certain land in McKinley County, New Mexico, to the Navajo Tribe of Indians."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader as to the program for the balance of the week and for next week.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, in response to the distinguished minority leader, Monday is Consent Calendar day. Then there are five suspensions: H.R. 10550, extend Export Control Act of 1949; S. 1062, mergers, Federal Deposit Insurance Act; House Joint Resolution 397, resettlement of refugees; House Resolution 431, White House Conference on Narcotics; H.R. 10087, taxes, foreign tax credit.

On Tuesday the Private Calendar will be called. Any rollcalls on Monday or Tuesday, except on rules, will go over until Wednesday, due to the Wisconsin primaries.

On Wednesday there will be a joint meeting for the purpose of receiving the President of Colombia as a distinguished guest of the Congress, and also H.R. 10959, employment retired commissioned officers.

Thursday and the balance of the week is undetermined. Then there are the usual reservations that any further program will be announced later, and conference reports may be brought up at any time.

Mr. HALLECK. I thank the gentleman.

HSIAO-LI LINDSAY

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the