discretion shall determine that the interests of justice require that a mistrial be declared."

The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. EASTLAND. Mr. President, I move that the Senate disagree to the amendment of the House, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. EASTLAND, and Mr. DIRKSEN conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, as the Senate has been previously informed, we will meet at 10 o'clock tomorrow morning. I urge all Senators who may desire to address themselves to the pending matter to be present.

I now move that the Senate stand in adjournment until 10 a. m. tomorrow.

Mr. KNOWLAND. Mr. President, will the Senator withhold that motion for a moment?

Mr. JOHNSON of Texas. We will attempt to arrange the hours to suit the convenience of all Senators. We have disposed of most of the legislation that we will consider during this session. I do not expect a vote on the pending business for at least a few days, until all Senators have had an opportunity to be heard.

Under our previous order, we will convene at 10 o'clock in the morning for the balance of the week.

I hope the Senate will be agreeable to running until late in the evening, in the hope that perhaps we can finish late this week or early next week and adjourn sine die.

I withhold the motion if the Senator from California wishes to speak.

Mr. KNOWLAND. I merely wish to concur in the statement made by the Senator from Texas. Orders have been previously entered for the Senate to meet at 10 o'clock in the morning for the remainder of this week, if we are still in session, and during next week, if we are still in session next week.

I should like to urge all Senators on this side of the aisle to bear in mind that we may have a vote at any time when the Senate is in session, night or day, until we complete our business. Therefore, particularly at this stage of the session, in the closing week or closing 2 weeks, I believe every Senator should be on notice to that effect, and under those circumstances I hope they can arrange to be here for the purpose of voting at any time the Senate is in session.

Mr. JOHNSON of Texas. We have some controversial measures to consider. I do not believe they are major measures, and I do not believe they will take too much time to consider. I hope we may be able to follow the pending business with those measures, or perhaps sandwich them in when speakers are not available on the pending business.

I give notice to all Senators that all bills which are on the calendar may be called up by motion, so that Senators may be prepared.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. What is the pending question?

Mr. JOHNSON of Texas. Mr. President, will the Chair state the pending question for the information of the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15.

Mr. BEALL. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. BEALL. Will the majority leader state how much notice he will give Senators in advance of the taking of the vote on the pending question; in other words, on the question of agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15 to the civil-rights bill?

Mr. JOHNSON of Texas. The majority leader is not in a position to give any more notice than he is able to obtain by observing the actions and deliberations of the Senate.

The majority leader wishes to be sure that all Members of the Senate, on both sides of the aisle, have ample opportunity to express themselves on this question as many times as they may desire; and the majority leader has neither a desire nor a disposition to force a vote before that opportunity has been had.

The majority leader is hopeful that Senators will be able to leave here by late Saturday evening. But that could very well happen the following week; and at this time the Senator from Texas does not feel that he is very much of a prophet.

So we shall just have to see how long Senators talk and how much time is consumed.

Mr. BEALL. Does the majority leader intend to give a few hours' notice before a final vote is taken on this question?

Mr. JOHNSON of Texas. The Senator from Texas is unable to do that. He does not know when Senators will stop talking. That is somewhat like asking him when he will die. [Laughter.] He is not sure about that.

Mr. President, I believe every Senator is on his own responsibility to follow the developments in the Senate; and when there no longer is any Senator who desires to address himself to the pending question, the roll will be called.

ADDITIONAL REPORT OF A COMMITTEE

By unanimous consent, the following additional report of a committee was submitted:

By Mr. O'MAHONEY, from the Committee on the Judiciary, without amendment:

H. R. 7536. An act to amend the act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941; (Rept. No. 1152).

ADJOURNMENT TO TOMORROW AT 10 O'CLOCK A. M.

Mr. JOHNSON of Texas. Mr. President, I renew my motion that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate adjourn until tomorrow, at 10 a. m. Without objection, the motion is agreed to; and the Senate stands adjourned until tomorrow, at 10 a. m.

Thereupon (at 10 o'clock and 1 minute p. m.) the Senate adjourned until tomorrow, Wednesday, August 28, 1957, at 10 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 27, 1957:

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert B. Anderson, of New York, to be United States Governor of the International Monetary Fund and the International Bank for Reconstruction and Development for the term of 5 years.

UNITED STATES ATTORNEY

Peter Mills, of Maine, to be United States attorney for the district of Maine for a term of 4 years.

UNITED STATES MARSHAL

Harry W. Pinkham, of Maine, to be United States marshal for the district of Maine for a term of 4 years.

COAST AND GEODETIC SURVEY

The following nominations for permanent appointment to the grade of ensign in the Coast and Geodetic Survey, subject to qualifications provided by law:

Ronald M. Buffington
Jerome P. Guy
Mart Kask

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 27, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, the new day is challenging us with duties we dare not shirk and decisions which will affect not only our own lives but the lives of many others.

We humbly confess that, again and again, we face our tasks and responsibilities with baffled minds and troubled hearts for we are in doubt as to what we ought to do.

Grant that we may hear and heed Thy voice as Thou dost say unto us: "This is the way, walk ye therein."

Help us to bring in that glorious day when there shall be peace on earth and good will among all men.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McBride, one of its clerks, announced that the Senate had passed without

amendment bills and joint resolutions of the House of the following titles:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 110. An act to amend section 372 of title 28, United States Code;

H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions;

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,477.43-acre tract of land, avigation, and sewer easements, in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the city of Fort Worth, Tex., to the State of Texas;

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services;

H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1324. An act for the relief of Westfeldt Bros.;

H. R. 1394. An act to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior;

H. R. 1591. An act for the relief of the Pacific Customs Brokerage Company of Detroit, Mich.;

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman;

H. R. 2136. An act to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas;

H. R. 3367. An act to amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors;

H. R. 3877. An act to validate a patent issued to Carl E. Robinson, of Anchor Point, Alaska, for certain land in Alaska, and for other purposes;

H. R. 4144. An act to provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general;

H. R. 4191. An act to amend section 633 of title 28, United States Code, prescribing fees of United States commissioners;

H. R. 4193. An act to amend section 1716 of title 18, United States Code, so as to conform to the act of July 14, 1956 (70 Stat. 538–540);

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5061. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenlieb, Joseph E. P. McCann, and Junior K. Schoolcraft;

H. R. 5810. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1954;

H. R. 5811. An act to amend subdivision b of section 14—Discharges, when granted—of the Bankruptcy Act, as amended, and subdivision b of section 58—Notices—the Bankruptcy Act, as amended;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6172. An act for the relief of Thomas F. Milton;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 230. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 85th Congress;

H. J. Res. 313. Joint resolution designating the week of November 22–28, 1957, as National Farm-City Week;

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission; and

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H. R. 2075. An act for the relief of Albert Heinze;

H. R. 2904. An act for the relief of the Knox Corp., of Thomson, Ga.;

H. R. 3028. An act to provide for the relief of certain female members of the Air Force, and for other purposes;

H. R. 3377. An act to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research;

H. R. 3468. An act for the relief of J. A. Ross & Co.;

H. R. 3940. An act to grant certain lands to the Territory of Alaska;

H. R. 6322. An act to provide that the dates for submission of plan for future control of property and transfer of the property of the Menominee Tribe shall be delayed;

H. R. 6562. An act to clarify the law relating to leasing of lands within Indian reservations in Alaska, and for other purposes;

H. R. 6760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes;

H. R. 8030. An act to amend the Agricultural Adjustment Act of 1938 with respect to acreage history;

H. R. 8256. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to exclude social security benefits and to provide additional exemptions for age and blindness, and to exempt from personal property taxation in the District of Columbia boats used solely for pleasure purposes, and for other purposes;

H. J. Res. 374. Joint resolution for the relief of certain aliens; and

H. Con. Res. 172. Concurrent resolution to establish a joint Congressional committee to investigate matters pertaining to the growth and expansion of the District of Columbia and its metropolitan area.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 314. An act to assist the United States cotton textile industry in regaining its equitable share of the world market;

S. 479. An act to convey right-of-way to Eagle Creek Intercommunity Water Supply Association;

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island;

S. 1040. An act to amend the acts known as the Life Insurance Act, approved June 19, 1934, and the Fire and Casualty Act, approved October 9, 1940;

S. 1245. An act to provide a right-of-way to the city of Alamogordo, a municipal corporation of the State of New Mexico;

S. 1294. An act for the relief of Maria del Carmen Viquera Pinar;

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges;

S. 2042. An act to authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska–50083, and for other purposes;

S. 2110. An act for the relief of Shirley Leeke Kilpatrick;

S. 2352. An act for the relief of Deanna Marie Greene (Okhe Kim);

S. 2353. An act for the relief of Charles Fredrick Canfield (Kim Yo Sep);

S. 2377. An act to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses;

S. 2488. An act for the relief of Kim, Hyun Suck;

S. 2606. An act to amend Private Law 498, 83d Congress (68 Stat. A108), so as to permit the payment of an attorney fee;

S. 2635. An act for the relief of Stefani Daniela and Casabianca Ambra;

S. Con. Res. 45. Concurrent resolution authorizing the printing of additional copies of the hearings on the mutual security program for fiscal year 1958 for the use of the Committee on Foreign Relations; and

S. Con. Res. 47. Concurrent resolution to print additional copies of part 1 and subsequent parts of hearings entitled "Investigation of the Financial Condition of the United States," held by the Committee on Finance during the 85th Congress, 1st session.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1002) entitled "An act to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. SCOTT, Mr. TALMADGE, Mr. MUNDT, and Mr. SCHOEPPEL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1482) entitled "An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes."

PERSONAL EXPLANATION TO THE HOUSE

Mr. MINSHALL. Mr. Speaker, on Friday, August 23, I was absent from the session because of official business for the Committee on Government Operations. I should like to ask unanimous consent that the permanent RECORD show that I was absent on that day on official business.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CIVIL-RIGHTS BILL

Mr. RAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RAY. Mr. Speaker, H. R. 6127 comes before us today with 16 Senate amendments. I understand that numbers 1 to 14, inclusive, and number 16 are to be accepted. In my view, those amendments make a great improvement in the bill.

It seems to be generally recognized that Senate amendment No. 15 is thoroughly bad and cannot be accepted. However, the new jury-trial amendment which will be offered as a substitute for Senate amendment No. 15 is also bad. I think it is unsound as a matter of principle and will be impracticable in operation. It gives no assurance that one accused of actions which would constitute a crime can demand and have a jury trial. It is merely a sham and a mockery to say that one who has been convicted of a crime in a hearing before a judge can have his case tried over again before a jury if the judge has sentenced him too severely after the first trial. That is what the new language does. To my mind it sacrifices one basic right, trial by jury, to a particular method of enforcing another basic right—the right to vote.

When H. R. 6127 was before this House, I voted for the jury-trial amendment offered by our colleague from Virginia, Mr. POFF, because I believed that kind of amendment was necessary. That amendment was not adopted, and I voted against the bill on final passage for that, among other reasons.

I propose to vote against the rule, against the substitute for Senate amendment No. 15, and against the bill.

PERSONAL EXPLANATION

Mr. BURDICK. Mr. Speaker, on Friday, August 23, I was detained in my room on account of illness. For the first time I missed two rollcall votes. I ask unanimous consent to extend my remarks in the RECORD with a statement indicating how I would have voted had I been present.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BURDICK. Mr. Speaker, on August 21 I was recorded as not voting on the Cole amendment to H. R. 9379. This was the amendment to restore $30 million for the industry cooperative program. If recorded my vote on this amendment would have been "yea."

Mr. Speaker, on August 23 I was recorded as not voting on amendment No. 54 to H. R. 9131, the supplemental appropriations bill. If recorded, my vote on the motion to recede and concur therein with an amendment would have been "nay."

On the motion to concur with an amendment reducing the figure from $475,000 to $425,000 for the Columbia River project my vote would have been "nay."

FEDERAL ELECTION LAWS

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio.

There was no objection.

Mr. McGREGOR. Mr. Speaker, Congress is approaching adjournment without taking definite action to overhaul Federal election laws.

I am sure all of us know how difficult it is for a person in service to vote. Yet many of us have worn a uniform of our country in order that we might have that privilege.

I sincerely hope that during the adjournment of Congress the committee, having the responsibility of this subject, will continue its study and that early in January we will have a report that will give a clarification of the political activities of the civil service employees, a uniformity of registration laws, a fair and equitable law in regard to political expenditures and, in summary, make the voting fair and equitable to all.

ACTION UNDER SUSPENSION OF THE RULES TOMORROW

Mr. MARTIN. 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 Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I should like to inquire of the majority leader what the program is for tomorrow on suspensions.

Mr. McCORMACK. Mr. Speaker, I am very glad the gentleman from Massachusetts has made the inquiry. There will be two suspensions tomorrow:

First, S. 2792 with amendments; that is the immigration bill.

The other bill is H. R. 8424, introduced by the gentlewoman from Massachusetts [Mrs. ROGERS], to include certain service performed for Members of Congress as annuitable service under the Civil Service Retirement Act. That will be brought up in the event it does not pass on the Consent Calendar.

Mr. MARTIN. I thank the gentleman.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 212]

Alger	Harden	Nicholson
Allen, Calif.	Harvey	Norblad
Anfuso	Hays, Ohio	Powell
Bailey	Hiestand	Preston
Barden	Hillings	Prouty
Beamer	Hoffman	Reece, Tenn.
Bolton	Holifield	Robsion, Ky.
Bray	Holtzman	Sikes
Buckley	Horan	Siler
Cannon	Jackson	Smith, Calif.
Clevenger	Kearney	Smith, Kans.
Dempsey	Kilburn	Teague, Calif.
Dies	Krueger	Teague, Tex.
Evins	LeCompte	Vursell
Fisher	Lesinski	Walter
Flood	McConnell	Wier
George	McDonough	Williams, N. Y.
Gordon	Mailliard	Younger
Gray	Mason	
Gwinn	Miller, Calif.	

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 410 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill, H. R. 6127, with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table; that Senate amendments Nos. 1 to 6, inclusive, Senate amendments 8 to 14, inclusive, and Senate amendment No. 16 be, and the same are hereby, agreed to; that the House hereby concurs in Senate amendment No. 7 with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term 'whoever' as used in paragraph (g) of section 102 hereof shall be construed to mean a person whose services are compensated by the United States"; and that the House hereby concurs in Senate amendment No. 15 with an amendment as follows: In lieu of the matter inserted by said Senate amendment No. 15 insert the following:

"PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL RIGHTS CASES AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL JURY QUALIFICATIONS

"SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

"SEC. 152. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"'§ 1861. Qualifications of Federal jurors

"'Any citizen of the United States who has attained the age of 21 years and who has

resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless—

"'(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been resotored by pardon or amnesty.

"'(2) He is unable to read, write, speak, and understand the English language.

"'(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service.'"

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may require.

Mr. MADDEN. Mr. Speaker, when the civil rights bill was debated in this chamber 2 months ago I spoke at length in favor of the original bill which was reported out of the Judiciary Committee; that bill was debated and discussed for several days and all Members had ample opportunity to express their views, pro and con, on this important legislation. The original bill met with my approval and I joined with 285 Members of the House in voting for same. Only 126 votes were cast against that bill.

The other body, since that time, has devoted several weeks in debate on this legislation, and unfortunately, changed some important provisions of the House bill. The resolution now under consideration was reported out of the Rules Committee yesterday by a vote of 10 to 2. It provides for several changes in the Senate bill; if the other body concurs with the changes recommended by this resolution all American citizens will, for the first time, enjoy the protection of the Federal courts in exercising their constitutional right to vote. This resolution is a considerable improvement over the bill passed by the other body; this improvement gives meaning and power to the enforcement provisions of this legislation.

The following words in the pending resolution set out the major changes which the House of Representatives should insist be retained in any civil rights legislation:

Provided further, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

These words set out the major changes in the form of the bill which was passed by the other body. Also changes are set out in this resolution eliminating any interpretation of the Senate bill wherein newspaper or radio services might be penalized for publishing executive reports or deliberations of the proposed Commission on Civil Rights; also this resolution provides that all employees engaged in carrying out the law must be accredited Government employees and not volunteer or uncompensated personnel.

This resolution also provides qualification for all citizens to serve as Federal jurors.

The great majority of the American people are hoping that the Congress enact a civil-rights bill before adjournment; the enactment of this legislation will curtail Communist agitators in Asia, Africa, and in other areas of the world from propagandizing on the issue that all Americans do not enjoy the liberties and rights of a free republic. Both major parties endorsed civil-rights legislation in their national party platforms during the last presidential campaign.

I wish to commend Chairman CELLER and Congressman KEATING, the members of the Judiciary Committee who worked so diligently over the past months to present civil-rights legislation for the members to consider.

I hope the House approves this resolution and the Senate concurs, so that all Americans can be guaranteed their constitutional right to vote.

Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT]; but first, Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks at the conclusion of debate on this rule.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Speaker, as the gentleman from Indiana has said, this is the end of a long, hard row. I want to take the time allotted to me to explain to the membership just what we are doing here today. This is an unusual proceeding. The House passed by an overwhelming majority a moderate but effective bill patterned on the formula recommended to the Congress by the President of the United States. The House Committee on the Judiciary had already rejected a much stronger measure and had substituted this proposal which the House passed for the stronger bill. The House rejected all major amendments to the bill and, particularly, rejected provision for a jury trial in a criminal contempt proceeding by an overwhelming majority of 93 votes.

This bill went to the other body, where they started to operate on it. In part I, relating to the Commission, they made the following major changes:

No. 1, they provided that this report of the Commission should be sent to the Congress as well as to the President.

No. 2, they provided that the Commission should have a full-time staff director appointed by the President with the advice and consent of the Senate, who should receive $22,500 a year.

No. 3, they struck out the provision for authorization to employ voluntary personnel, and affirmatively provided that the Commission should not accept the services of uncompensated personnel.

No. 4, they provided that these advisory committees, which the Commission may have, would only be constituted within certain States and composed of citizens of that State.

Those are the principal things in part I.

Part II they left intact.

Part III was eliminated entirely. That is the part which protects the rights of citizens, including voting rights, but other rights as well. That was stricken out after a long debate.

In all that long Senate debate I never heard any objection to the protection of the right of a person to hold Federal office or the protection of a person's right to attend in a Federal court and give truthful testimony there. Those were also rights protected in part III which in my feeling were unfortunately eliminated. However, that is the situation that we have here today with part III eliminated.

As to part IV, they left part IV intact but added a part V which provided for a jury trial in all criminal contempt cases in all courts. It was prepared without careful consideration. It was soon apparent to nearly every lawyer that it could never stand. It brought about many absurd results. For instance, there is no machinery in the Federal jurisprudence for jury trials in the Supreme Court or in courts of appeal. Under this provision of the Senate-passed bill which limited the punishment to $1,000, it meant, for example, that if the president of United States Steel or the president of General Motors was convicted under the Antitrust Act, all you could assess against him was a $1,000 fine.

It rendered completely nugatory the emergency provisions of the labor laws and made them absolutely ineffectual. As you know, if the President is convinced that a strike will imperil the national health or safety, he can direct a waiting period or an injunction. Under the Senate bill a jury would say whether or not the President was right in determining whether the national health and safety were imperiled. Those examples illustrative the things which the Senate proposal could do. After the bill was passed, the normal course would be to send that bill to conference with the bill which we had passed. On the contrary, the chairman of the Committee on the Judiciary offered a rule in this body which improved substantially the Senate bill in three important respects. First, it limited it to the voting rights. Second, it eliminated the Supreme Court and the courts of appeal as places where jury trials could be held. Third, it corrected a very cunning device written into the bill passed in the other body. With respect to the jury-trial provision, the Senate bill would amend a section of the law which now exists which says that where the act constituting the contempt is a crime under the laws of the State where it is done, the proceedings shall be for criminal contempt. Thus, under the bill passed by the other body it would have meant a jury trial in every case, because if it was not a criminal contempt at that time, it would have been made so by the States that wished to get around the law.

The proposal made by the chairman of the Committee on the Judiciary was, therefore, an improvement on the Senate bill, but it was a complete denial of what this House had decided upon, which was that there was to be no jury trial in voting-rights cases. It was completely

contrary to the House action, and it was a complete surrender to the Senate position on the jury-trial question. There was a great drive, however, to accept it. Many who had been for a strong bill when it was before the House reversed themselves and said, "We have to take it, or we will be filibustered to death." And many organizations even went that far.

Two people predominantly insisted upon maintaining the power and integrity of the courts to enforce their own orders, our own minority leader, the distinguished gentleman from Massachusetts, and the President of the United States. They fought for a stronger bill, and we have it here today.

What we have today is a real compromise; not a surrender on this important phase of the bill. For all practical purposes, as to part IV, this proposal today before us supports the position of the House. It will only be the very rare case in which a contempt conviction will result in a sentence of more than 45 days. There will not be one case in 20 where that would happen. Only in a case of violence or serious disruption of the peace is it at all likely. It is 90 percent accurate to say that the bill has been converted from a Senate jury-trial bill to a House nonjury-trial bill.

I regret, of course, that the House bill was not left intact in the other body, but this bill today is a significant milestone in the fight to protect and strengthen the civil rights of all of our citizens, and I commend this compromise proposal for your favorable consideration.

The SPEAKER. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as a member of the Rules Committee, I voted to report the original civil-rights measure when it first came before the House. As a member of the committee, I voted to report this resolution carrying the compromise bill. That measure as it comes before us today is not all that many of us desire. In my opinion, it will not accomplish everything that many people think it should, but it is a compromise. As such it is the best type of legislation that could be provided under the circumstances. Therefore I expect to support this resolution and the bill as amended.

Mr. MADDEN. Mr. Speaker, I yield 7 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman from Mississippi [Mr. COLMER] is recognized for 9 minutes.

Mr. COLMER. Mr. Speaker, I appreciate the courtesy of the gentlemen. There are so many who are denied an opportunity to speak that I hope it will not be necessary to use all the time.

Mr. Speaker, obviously the far-reaching effects and implications of this proposal cannot be discussed even in the 9 minutes allotted to me, in this straitjacket procedure into which the House has been forced. I hope my brief remarks may be made without bitterness or rancor, but I do propose to make them realistic.

I wonder if we are meeting our legislative responsibility here today. I seriously doubt that there are 25 Members of this body who ever saw this so-called compromise amendment before today. I am sure that a vast majority of the members of the Rules Committee never saw it before they reported it out yesterday without explanation or hearings. I emphatically state to you that it is worse than no jury trial whatever. It is judicial blackmail. It is without precedent or effect. For the first time in our judicial history, a defendant will be blackmailed into accepting a fine and jail sentence at the hands of a Federal judge rather than requesting trial by a jury of his peers. Moreover this proposal changes the existing law for the selection of Federal juries in all Federal cases. It will pave the way for many more Hoffa trials.

Mr. Speaker, back during the early stages of World War II, in an informal and not unfriendly cloakroom conversation, the late Vito Marcantonio, a former Member of this body, in a discussion of our respective philosophies of government, warned me of this day. He boldly told me that, after the war was over, his forces would change the then prevailing conditions through which conservative Members of Congress, particularly from the South, were elected. That they would see to it that the Negroes of the South voted and the right type of Representatives were elected to the Congress and the right type of legislation was enacted. Little did I think then that his prophecy would so soon come to fruition.

I am sure that by now there is no one in this House or in the country who does not recognize this iniquitous legislative proposal for what it is—a political sop to a highly organized minority group. The stakes are high. The complexion of the next Congress and the next Presidency itself are the stakes.

Some of us have conscientiously and therefore stubbornly opposed this misnamed civil-rights proposal. It is nothing more or less than the abolition of the civil rights of all of the people under the guise of granting civil rights to a highly organized and politically powerful minority group. So, Mr. Speaker, as we gather today in this historic Chamber to witness the final act in the tragedy of the beginning of the downfall of the Republic, it might be well to briefly sum up the value of the winners and the losers in this political gamble.

The actors in this political tragedy are of the summit stature in both political camps. It is obvious that the Republican high command has deliberately set out to recapture the minority Negro vote stolen from them by the Democratic high command some two decades ago. That they may succeed as a result of the enactment of this bill is highly possible. I call to the attention of my Democratic brethren the probability that this minority group, whose suffrage is attempted to be ensnared by this proposal, will be impressed not by the fact that this is a Democratic controlled Congress, but rather by the fact that this is a Republican administration and that these alleged benefits came from the Great White Father in the White House.

Thus the Democratic high command may win the skirmish, but lose the battle.

On the other hand, the Republicans who have long expressed a desire for a two-party system in the South, and indeed where in recent years they have made remarkable progress toward their goal, may now well forget any hope of wooing the South into their fold or of obtaining a realinement of the parties.

The conservative South, deserted by its own party, who owes it so much, and cast to the wolves by the Republican Party, it would appear has but one alternative. It must, like the NAACP, the CIO and the ADA become an organized militant minority group, if its once powerful voice is to again be heard in the political and legislative arenas.

Finally, Mr. Speaker, while this iniquitous thing, like a loaded pistol, is aimed at my section, which has contributed so much to the foundation and perpetuation of the Republic, it is not the South, the Democratic Party, or the Republican Party which will suffer the most. The real victim in the tragedy being concluded here today will be the Republic itself. For once the trigger is pulled, the freedom and the real rights of the citizens of all sections will be further curtailed. The powerful arm of an already powerful Federal Government will be further stretched out into every metropolitan center as well as every hamlet of this great country, north, east, south, and west, for the further regimentation of our citizens. The existing election machinery of the several States will be conducted under the scrutiny and intimidation of armed marshals of the Central Government here in Washington. This could well be the final step necessary to achieve the goal of the real proponents of this legislation—the complete destruction of the sovereignty of the States and the centralization of all power of the people in one strong centralized government under the dome of this Capitol in Washington.

But, alas, Mr. Speaker, the unconscionable god of politics must be served.

Mr. Speaker, to some this day will be remembered as a day of political victory. To others it will be remembered as a day of infamy. But to me it will always be remembered as Marcantonio Day.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I support House Resolution 410. For the first time in 87 years the Congress will announce in unequivocal language that voting shall not be restricted because of color, race or national origin. It is a clear implementation of the 14th and 15th amendments.

Mr. Speaker, the task was difficult to get this bill through. It was a constant uphill obstacle race. Harsh words were spoken and bitterness was expressed. But happily indeed no scars are left. And that is a great credit to representative government. Many of us wanted and wholeheartedly worked for a strong bill, wanted no watered-down one. I wanted, of course, no compromise in the beginning. Others with sincere convictions sought the defeat of any civil rights bill. Neither side won; neither side lost. Who are the gainers? The gainers in small measure are that segment of our society which has too long been denied rights guaranteed by our Constitution.

I desired no jury trial for contemnors in contempt cases under this act. I fought off vigorously all amendments to provide juries. The Senate saw fit to adopt jury trials for all criminal contempt cases arising under the act or any other act. The Senate amendment, I believed, could not be acceptable in any compromise. It would cause irrevocable damage to the enforcement of many regulatory statutes. I therefore proposed jury trials limited to this act. To my proposal has been added another proposal, to wit:

> At the discretion of the judge, the accused may be tried with or without a jury. In the event there be no jury and the sentence of the court upon conviction be a fine in excess of $300 or imprisonment in excess of 45 days, the accused on demand shall be entitled to a trial de novo before a jury.

This latter proposal, shall I say, is least objectionable of all plans offered. This, however, is highly important, namely the attempt to have a meeting of minds, as many minds as possible, to advance the cause of civil rights. The dilemma we faced was accepting one-third of a loaf or no loaf at all. The result may be conciliation to some, compromise to others, and surrender to still others. Very little choice is offered. We must accept. Those mostly affected, the Negro people, are willing to accept this compromise. As to compromise I like to quote Edmund Burke, from his speech on conciliation with America.

> All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter.

I remember one of my law school professors at college telling me upon the advent of my becoming a lawyer: "Remember always that a lean compromise is better than a fat lawsuit."

We have made here, we make here, a good beginning. Much remains unfinished and must be done. It shall be done. Our work shall be complete only when it can be said:

> No one portion of our society shall be deprived of its rights because of color, race, or creed.

This bill concerns the right to vote, a basic right. We move forward to protect that right. That is the least we can do now.

The patterns of life do not yield easily, but yield they do to time, yield they do to conscience, yield they do to law. Were it otherwise there would be no history of man. We must recognize that different mores, different customs in different climes have brought different racial relations. Those differences cannot be resolved in a trice. They must be worn down and then finally dissipated with the gradualism that this resolution betokens.

Because thereof, I do indeed hope that this resolution will be adopted by a thumping majority.

Mr. FORRESTER. Mr. Speaker, in considering this legislation, I am reminded of the statement of our Lord to the soldiers delegated to take him captive, when He told them: "But this is your hour and the power of darkness."

The price paid for the philosophies in this bill are too high. In order to appease the leftwing groups in this country, our leaders integrated our Armed Forces. It was a terrific price, for someday you will all learn that you cannot keep good men in our Armed Forces when integration is practiced. These men refuse to adopt a profession where they are made guinea pigs for social experiments that they know are detrimental. You have tried to keep boys in the military with higher pay, but you have not succeeded, and you never will, until you allow them to choose their associates. Ten years from now you will see the terrific price you have paid for appeasement when you see the officers holding your son's life in their hands.

This legislation is too high a price to pay people who cannot be counted on when the chips are down. It is tragic to give away our legal concepts for such questionable loyalty.

Yes, this is the proponents' hour, but it is the hour of darkness.

I know this House is going to pass this legislation in the present form and would pass it in any form.

Nevertheless I want to renew my statements made many times on the floor that it is a fraud; that it is a national tragedy. Also I do want you to know that the jury-trial provisions in this legislation are absolutely worthless. It was the best some of our southern Senators could do, but instead of it guaranteeing a jury trial, it virtually eliminates any possible chance for a jury trial. I will try to demonstrate the truth of my statement by a discussion now, which I hope will be strictly a legal discussion.

Mr. Speaker, considerable discussion has naturally arisen over the meanings and import of the Senate amendments to H. R. 6127—civil-rights bill—relating to the right of trial by jury in contempt cases, appearing in part V, entitled "Amendment to the Federal Criminal Code To Provide Trial by Jury for Proceedings To Punish Criminal Contempts in Cases in Federal Courts," beginning on page 13, line 15 of said H. R. 6127, and continuing through line 16 of page 15 and reading as follows:

> PART V—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS
>
> SEC. 151. Section 402 of title 18 of the United States Code is hereby amended to read as follows:
>
> "402. Criminal contempts.
>
> "Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by a fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.
>
> "This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.
>
> "Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."
>
> SEC. 152. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:
>
> "3691. Jury trial of criminal contempt
>
> "In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, orders, rule, decree, or command of any court of the United States, or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.
>
> "This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.
>
> "Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

We can all understand the discussion for, as it was said by Mr. Dangell, author of the legal treatise Contempt, on page 14, section 41 of that treatise, "Contempt of court is a mysterious and indefinable thing." The truth of that statement is made manifest by the debates in the Senate on these provisions. Some of the distinguished Senators were of the opinion that the above quoted provision relating to the right of trial by jury was an effective preservation of the right of trial by jury in criminal contempt cases. Other Senators were positive that only a few contempt cases could possibly arise where a jury trial could be demanded by the defendant or defendants. Senator MANSFIELD, of Montana, said with reference to injunctions brought by the Attorney General:

> Such suits—so long as they are aimed at prevention rather than punishment—cannot be interfered with by jury trials.

However, Senator DOUGLAS, of Illinois, said:

Secondly, by including the jury trial provision in criminal contempt cases, the Senate has made the right-to-vote section largely ineffective. Cases of civil contempt can, in all probability, be fairly easily converted into cases of criminal contempt by the simple act of noncompliance. Can anyone then picture a jury from the Deep South unanimously finding a white election official guilty for depriving a Negro of the right to vote? (CONGRESSIONAL RECORD, Aug. 7, 1957, pp. 13841–13842.)

Senator POTTER, of Michigan, according to the CONGRESSIONAL RECORD, August 7, 1957, page 13851, said:

I would also have the RECORD note that the same amendment made crystal clear that where there is a civil contempt proceeding, no jury trial is provided. It is within the tradition and history of our Republic to have no jury trial proceedings insofar as civil contempt actions are concerned.

Senator JAVITS, of New York, is quoted on page 13730, CONGRESSIONAL RECORD, August 6, 1957, as contending that the Senate provision for a jury trial in criminal contempt cases was void of some distinguishing line between civil contempt and criminal contempt; he pointed out that the Clayton Act made a distinction, inasmuch as the Clayton Act provided that a criminal contempt must be a willful disobedience or violation, coupled with the added ingredient that the violation must be a crime under State or Federal law; he also posed the pertinent question relating to double jeopardy which might arise out of the terms of the Senate amendment, particularly observing that the courts "have held time and again that it is possible to have both civil and criminal contempt in the same situation."

The CONGRESSIONAL RECORD of July 26, 1957, page 12819, shows certain statements of Senator O'MAHONEY, who was the original author of the Senate proposals, and who, with Senators CHURCH and KEFAUVER, sponsored the modified jury-trial amendment as above quoted, and that Senator O'MAHONEY said:

A proceeding for civil contempt is a method for obtaining compliance with a mandate or injunction issued by a court of equity. It is a proceeding which is used only against a person who has been directed by a court to do an act or to refrain from doing an act. The only question open for discussion in such a proceeding is: has the mandate or injunction of the court been obeyed? If it has not been obeyed, the reason or the motive for the disobedience is of no moment. While in a proceeding for civil contempt the court may impose imprisonment and a fine upon one adjudged in contempt, it is important to recognize that it does not do so by way of punishment. Its action is coercive only to compel compliance and the contempt disappears once compliance is obtained.

And, on page 12819, Senator O'MAHONEY said:

The fourth category of contempt of court is what is known as criminal contempt for willful disobedience of a mandate or injunction of a court of equity. This is a proceeding to punish one who willfully disobeys the court order. It differs radically from a proceeding in a civil contempt. Its purpose is not to compel compliance with the court order and to obtain for the plaintiff the fruits of the mandate or injunction. It may be invoked even though full compliance is had before trial. Its purpose is a public purpose to vindicate the dignity of the court which has been flouted by the willful and intentional act of the defendant.

Further, Senator O'MAHONEY stated that a criminal contempt proceeding, while it may not be a true criminal proceeding, is at least quasi-criminal. Also—

In any event, whether a constitutional crime or not, the spirit, if not the letter, of our Constitution requires a jury trial for criminal contempts.

Thus it appears that even certain Senators disagreed as to what was the meaning of the above-quoted Senate amendment. Yet, the people are entitled to know whether there is an effective provision for jury trials in criminal contempt cases, or whether or not the Senate amendments are ineffective, and actually remove the right of trial in contempt cases, except in remote and most limited circumstances.

To attempt to inform the people as to the true meaning of the above quoted Senate amendments is no easy task. Indeed, one may be incapable of delineating and laying down any explanation that will not be upset, at least in part, by the United States Supreme Court. To have a workable knowledge and a reasonable certainty concerning these amendments, a review of history through the ages and an examination of the common law relating to contempt is naturally indispensable. In the very nature of things, the various courts in our country have differed as to what the common law on this subject truly was.

It is a matter of history throughout the ages that men possessed with power, consciously or often unconsciously, became tyrannical. While it is a paradox, perhaps sincere zealots have been the most tyrannical of all. King John of England was beaten to his knees before he consented to the Magna Carta at Runnymede, June 15, 1215. King John was not a bad man, but he truly believed that he held the kingship through divine preference and could do no wrong, and knew better than the people themselves the privileges they should enjoy. One of the fundamentals of that great charter was that of the right of trial by jury by the peers of the shire. It is positively true that the courts of England contended that they were endowed with the inherent power to punish for contempts. The courts were ecclesiastical, but the courts had their infirmities. Whether correctly or not, that principle did find favor with our courts, and an overwhelming majority of our courts did adopt that principle as a part of our common law.

As early as Sixth Wheaton, United States Reports, page 204, the United States Supreme Court laid down that principle in the case of Anderson against Dunn. It is equally true that our courts followed the courts of Old England in upholding that contempt proceedings are sui generis—in their own class—and that, although criminal contempt was criminal in nature because the purpose of the contempt proceedings was to vindicate the authority of the court, such criminal-contempt proceedings could not violate the constitutional inhibition against double jeopardy; and the same act constituting criminal contempt, and punished by the court as such, could also be the basis for a prosecution against the same defendant in a criminal proceeding.

U. S. v. *Shipp* (203 U. S. 563) is authority for such a holding. The courts have attempted to justify this double jeopardy upon the principle that the defendant was punished in the criminal prosecution because he violated a law created by the legislature, and punished in contempt proceedings because he violated a law created by a judge. It is also true that in 1890 the United States Supreme Court—volume 134, United States Reports, pages 31, 36—held that there is no constitutional right of a jury trial in a contempt proceeding, civil or criminal, clearly indicating the Court's conception concerning the right of trial by jury. An excerpt taken from volume 154, United States Reports, page 447, by Justice Harlan, says, to wit:

Surely it cannot be supposed that the question of contempt of the authority of a court of the United States committed by a disobedience of its orders, is triable by right by a jury.

On February 25, 1932, that great and eminent lawyer, Hon. Donald Richberg, speaking before the House Judiciary Committee, said that he had a very extensive search made concerning the practice of the English courts prior to the adoption of our Constitution and he found, extraordinary as it may seem to many lawyers, that according to the English practice contempt of court had not been punished by the court; but, as a matter of fact, the prevailing English practice up to the adoption of the United States Constitution was to punish contempt of court through trial by jury, usually upon indictment or information; that, as a matter of fact, he found only two cases in the English reports, going back as far as twelve hundred and something and coming on down to the American Revolution, where criminal contempt had been tried by a court itself. He bemoaned the fact that despite history, the argument was made for a hundred years that it was the inherent power of a court of equity to try contempt cases by the court, and that when the court was created by the Federal Government, that power was endowed upon the court.

Mr. Edward Dangel is the author of a treatise on the law of contempts bearing the title "Contempt" and published by the National Lawyers Manual Co., Boston, Mass. In that work, Mr. Dangel treats exhaustively the differences between civil contempt and criminal contempt, beginning on page 83, section 178, and continuing through section 194, page 93 of that book. On page 86A, section 182, Mr. Dangel said:

Numerous attempts have been made to formulate a test by which to distinguish remedial proceedings for contempt, which involve private interests and are civil in nature from punitive proceedings for contempt, which involve the public interest and are criminal in nature. At best, the line of demarcation between contempts civil and contempts criminal in character is difficult to state with accuracy and in close cases

rests in shadow. Sometimes, a ruling cannot rightly be made that a proceeding is remedial rather than criminal. The proceedings may be both.

On page 74, section 163, Mr. Dangel says:

Contempts are neither wholly civil nor altogether criminal and it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both—citing *Gompers* v. *Buck's Stove Company* (221 U. S. 418, at 441).

Continuing, Mr. Dangel says:

The doing of an act forbidden by an injunction, rather than refusing to do an act commanded by an injunction, does not supply a sure test by which to distinguish a criminal from a civil contempt.

And, on page 75, section 163, Mr. Dangel says:

The contempt proceedings may have a dual aspect.

The Encyclopedia of Federal Procedure, third edition, volume 15, page 582, section 87.04, says:

The same act may sometimes constitute both a civil and a criminal contempt, and civil and criminal contempts may be charged by the United States in the same proceedings.

And cites *United States* v. *Aberbach* (165 F. 2d 783).

Moore's Federal Practice, 2d edition, 5, page 256, R. 38.33 says:

Contempts are usually divided into two classes, civil and criminal. As to operative facts, the classes are neither mutually exclusive or inclusive, and the contemptuous act may partake of the characteristics of both civil and criminal contempt (*U. S.* v. *United Mine Workers* (330 U. S. 258) and *Gompers* v. *Buck's Stove Company* (22 U. S. 418)). The violation of a single order, mandate, decree, judgment, or process of court may be the basis for both civil and criminal contempt proceedings. A contempt is considered civil when the punishment is wholly remedial, serves only the purposes of the complainant, and is not intended as a deterrent to offenses against the public.

Mr. Dangel, in his work heretofore referred to, on page 5, attempts to lay down a rule which would distinguish between civil and criminal contempts. Section 12, page 5, says:

Proceedings for contempt are sui generis in their nature and not strictly either civil or criminal, as those terms are commonly used. There is a well-defined distinction between contempts which are called criminal or punitive and those which are termed "civil contempts," the latter applying to such as are remedial in character. Criminal contempts are those acts in disrespect of the court or its processes or which obstruct the administration of justice or tend to bring the courts into disrespect, while civil contempts are those quasi-contempts which consists in failing to do something which the contemnor is ordered by the court to do for the benefit or advantage of another party to the proceedings before the court. A civil contempt is a private contempt, while a criminal contempt is a public contempt. That is, a civil contempt is a matter of private interest only, while a criminal contempt is a matter of public interest. When the vindication of public authority is the primary purpose of the punishment for contempt, the contempt is criminal, and when the enforcement of civil rights and remedies is the ultimate object of the punishment, the contempt is civil.

Thus, we see that, indeed, in many cases the contempts charged do have a dual aspect and that virtually any act constituting contempt can be both civil and criminal, and in that kind of situation it would follow that the judge would have the choice of weapons. This is a bad situation, inasmuch as the accused is placed upon trial under the rules of civil law, where the contempt is civil, which rule requires only that his guilt be proven by a preponderance of evidence, whereas the defendant is entitled to a trial somewhat under the rules regulating criminal prosecution, if the charge is for a criminal contempt, and the evidence is required to establish the guilt of the accused beyond a reasonable doubt. See *Helvering* v. *Mitchell* (303 U. S. 391). Dangel, section 191, page 91, says:

Contempt proceedings for the violation of an injunction, being neither criminal nor quasi-criminal, do not make it necessary to establish the defendant's guilt beyond a reasonable doubt. Their character is civil and the proof must be only by a preponderance of evidence.

Also, Mr. Dangel says, section 189, page 90:

In a civil contempt arising out of an equity suit the sole question usually is: Has the injunction been violated?.

These quotations from Mr. Dangel are of prime importance and must be given great consideration, inasmuch as the provisions in H. R. 6127 relate to equitable matters, and doubtless will be the rules employed by the various trial courts. The Encyclopedia of Federal Procedure, third edition, volume 15, page 583, section 87105, says:

Proceedings for contempt in violating an injunction are often held to be for civil and not criminal contempt, although the contempt may be a criminal one, as is often the case where the injunction involves a labor dispute.

That work cites *Forrest* v. *U. S.* (277 Fed. 873, certiorari denied 258 U. S. 629). Dangel, page 29, section 61, says:

A complaint for contempt for violation of an interlocutory decree in equity is really but an incident to the principal suit, and all the papers relating to it should be filed with the other papers in the case.

Dangel, page 39, section 78, says:

An injunction duly issuing out of a court of general jurisdiction with equity powers, upon pleadings properly invoking its action and served upon parties within the jurisdiction, must be obeyed by them, however erroneous the action of the court may be, even if the error be in assumption of the validity of a void law going to the merits of the case—

And citing *Eilenbecker* v. *Plymouth County District Court* (134 U. S. 31).

Dangel, page 22:

Where the offending act was of a nature to obstruct the legislation process, the fact that the obstruction has since been removed or that its removal has become impossible, is without legal significance and does not limit the power to the legislative body to punish for the past and completed act—

And citing *Jurney* v. *MacCracken* (294 U. S. 125, at 148).

Over the years there has been a constant and unremitting struggle against powers which are tyrannical, even though not adjudged so by good men, and men trained and learned in the law. It has been contended, and certainly with some reason and logic, that no court forming a part of our Federal judicial system has, or can have, any inherent powers, with the possible exception of the United States Supreme Court. That contention is based upon the argument that while the Supreme Court is a creature of our Constitution and undoubtedly has original jurisdiction in a certain class of cases and may be possessed of inherent power so far as that original jurisdiction is concerned, that inasmuch as the Constitution itself gave Congress the right to make exceptions and regulations concerning the appellate jurisdiction of the Supreme Court, probably even the Supreme Court does not possess any inherent powers, as an appellate court. The argument continues, to the effect that all inferior Federal courts, being purely creatures of Congress, such courts cannot have any powers not delegated to them by the Congress. Irrespective of whether or not the courts do, as a matter of fact, have inherent powers, it has been seriously contended that they should be shorn of any inherent powers that they do possess, and that Congress should by statute lay down the powers that the courts shall have, so that these powers shall be definite and certain and not be dependent upon the proper or improper construction of what was or was not the common law, and what powers the courts of England possessed prior to the adoption of our Constitution. It is also frequently contended that the court's contempt power deprives the accused of his constitutional guaranties such as trial by jury, double jeopardy, excessive punishment, due process of law, freedom from self-incrimination, and freedom of speech. Mr. Dangel, on page 15, section 41, of his treatise on contempt, says:

It must be conceded that the contempt jurisdiction of courts is the nearest of kin to despotic power of any power existing under our form of government. Although, on the whole this power is used discreetly, serious thought should be given to the abolition of the power to punish for contempt. This power seems unnecessary since the court has the authority to remove the contemnors and commit them to prison to await punishment by a jury.

Mr. Dangel cites *State* v. *Circuit Court* (97 Wis. 1); Edward Livingston on Criminal Jurisdiction, volume 1, page 264; Edward Livingston, A System of Penal Law for United States of America, chapter 10.

On page 19A, section 42A, Mr. Dangel says:

Because the function of the judiciary was that of interpretation and judgment, it became evident that the checks of the various powers would not be as effective upon the judiciary as upon the other two branches of Government. As a result, the judiciary surrounded itself with certain impregnable powers and protection from which it has countenanced no appeal or review. This isolation is contrary to the principle that the people have the right to know what is done in our courts. The old theory of government which invested royalty with an assumed perfection, precluding the possibility

of wrong, and denying the right to discuss its conduct of public affairs, is opposed to the genius of our institutions in which the sovereign will of the people is the paramount idea.

Also:

The American courts have created for themselves a body of legal authority which it is claimed gives to them the inherent right, in the absence of a limitation placed upon them by the power which created them, to punish as a contempt an act, whether committed in or our of its presence, which tends to impede, embarrass, or obstruct the court in the discharge of its duties. This doctrine has been asserted in all its rigor by the court. It is founded upon the principle that this power is coequal with the existence of the courts, and as necessary as the right of self-protection—that it is a necessary incident to the execution of the powers conferred upon the courts, and is necessary to maintain its dignity if not its very existence. It exists independently of statutes.

Also:

What is the source of this inherent power to punish for contempt? The judiciary always refers to the common law and asserts that the power to protect itself from criticism is essential to its power to exist and function properly. The power of contempt was never given to the court by the people, by constitutional delegation, or otherwise, nor did it come from the early common law.

On pages 207, 208, section 446, Mr. Dangel says:

The contempt power to punish or coerce and its procedure are of an extremely arbitrary character. They have been described as severe arrogance, judicial dictatorship, and absolute autocracy, and have been given many other descriptions.

Also:

There is, there can be, no place in our constitutional system for the exercise of arbitrary power; arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces and one or the other must of necessity prevail whenever they are brought into conflict.

One does not have to be a scholar of the law to understand what Mr. Dangel was saying. I apprehend that what Mr. Dangel was actually saying was that under our scheme of government, a judge, no matter how learned, and no matter how honest and impartial he might be, should be permitted to set up judge-made law and, in enforcing that judge-made law, whether right or wrong, allow that law to be a subterfuge, designedly or incidentally, to deprive a defendant of his constitutional rights. Mr. Dangel feared just exactly what is occurring in the present legislation, H. R. 6127. Attorney General Brownell has deliberately, and admittedly, brought up a scheme whereby he can bring defendants into court, charging them with the violation of judge-made laws, which may or may not be correct law, and place the accused on trial for that violation before that same judge, without trial by jury, and deprive the accused of the right to demand an indictment, to plead against double jeopardy, to be clothed with the presumption of innocence, and other rights too numerous to mention.

Although some of the proponents of H. R. 6127 would like to forget it, we all know the upheaval in Congress in the year 1932 when labor rose up in its wrath against ex parte injunctions, and trials for contempt of court for violation of those injunctions, before the judge who issued the injunction, and without the benefit of a jury. We know that section 402, title 18, United States Code, and sections 3691–3692, title 18, United States Code, were passed by Congress by a tremendous majority as remedial legislation and for the purpose of supplementing section 401, title 18, United States Code.

Section 402, title 18, above referred to, defines criminal contempt arising out of the willful disobeying of any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, provided also that the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed. It further provided that such criminal contempts would be prosecuted as provided in section 3691 of title 18. Excepted from this rule were contempts committed in the presence of the court, or so near as to obstruct justice, and contempts committed in that category which were in disobedience of any law, writ, and so forth, entered in any suit or action brought or prosecuted in the name of, or on behalf of the United States.

Section 402 above quoted did provide the line of demarcation pointed out by Senator JAVITS heretofore referred to herein. That section did provide a definite right of trial by jury in certain cases and under certain circumstances. That section was written in the law for the purpose of correcting a long-existing and real evil. That was progress. Many pages in the debates of the Congressmen and Senators during the discussion of the legislation which became section 402, sections 3691 and 3692, title 18, United States Code, were devoted to the injustices heaped upon defendants under judge-made law, and under the views of the trial judges that their authority had been desecrated, and it was even said that in one instance the Attorney General of the United States had deliberately handpicked a certain judge in a particular labor case. It is a paradox, but the private organizations clamoring for the legislation represented by the sections just referred to, are the same organizations that are demanding in civil-rights cases we go back to the old theory, repudiate the right of trial by jury in criminal-contempt cases, and that the accused shall be placed on trial before the judge who made the law, and punished as often as the judge deems expedient, or to be in satisfaction of his wounded feelings.

The Senate amendment to section 402, title 18, is really not an amendment. It is actually a new section 402. It provides that—

Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command, of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title, and shall be punished by a fine or imprisonment or both (p. 13, line 15, through line 2, p. 14, H. R. 6127).

The language just quoted provides for the right of trial by jury in certain instances, but that right is most effectively taken away when we read exceptions contained on page 14, beginning at line 11 and reading through line 18, to wit:

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil-contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violation of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

Under the Senate amendment to section 402, title 18, I submit that as a matter of law, Kasper and the 16 other defendants down in Clinton, Tenn., would not have been entitled to the right of trial by jury, although they were entitled to the right of trial by jury, and did obtain a trial by jury, under section 402, title 18, as it read before the Senate amended it. It will be borne in mind that the new section 402 passed by the Senate is not restricted to voting. It covers by its terms the willful disobedience of or obstruction of the court's order arising out of school cases and other cases, as fully as it covers cases arising out of the provisions relating to voting. Kasper was charged with disobeying the order of the court, and obstructing the court, and the 16 other defendants were charged with obstructing in concert with Kasper, the order of the court. The distinguishing feature in the Kasper and other cases and the present Senate amendment was that Kasper and the 16 defendants were charged with willful disobedience and obstructive acts which were in violation of Federal or State law, and therefore the right of trial by jury was extended to them, the United States not being a party plaintiff, while under the Senate amendment, undoubtedly the contempt proceedings brought against Kasper and the 16 other defendants would have been a civil contempt proceeding, and there would have been no right of trial by jury. It is a well recognized fact that a judge learned in the law knows how to choose his weapons. Proceeding from an interlocutory order, pursuant to the Senate amendment, the judge can order into the court any defendant under the charge that he has not complied with the order, or is obstructing the order, and punish him for civil contempt, holding that his action was remedial. As a matter of law, even when the injunction or order has been made permanent, and the accused has the ability to comply, the judge can still choose his weapon and charge the defendant with the civil contempt, fine or imprison, or both, upon the theory that his action is remedial. The only instance that I can see where a jury trial would be demandable, is where after a final order and the defendant cannot comply, then he can be charged with a criminal contempt, and punished to vindicate the wounded feelings of the court.

As long as the ability to comply with the order exists, in my opinion a civil

contempt proceeding can be had, on the theory that the proceeding is remedial, and for the purpose of inducing the accused to comply with the order of the court. Under the new version of the Senate, it is my opinion that the defendant can be brought into court beginning after the interlocutory stages, upon the charge that he has failed to comply with the court's order, or has obstructed the court's order, and be required to comply or desist, and upon failure the accused can be fined or imprisoned, as a remedial measure. If the accused is fined and the accused pays, he can be brought in again for failure to comply and punished again and again, as a remedial measure. And, of course, the accused can be told that he holds the keys to the jail in his own hand and that he was committed to jail because of his civil contempt and will remain in jail until he wishes to purge himself of the contempt proceeding by compliance. Not only is double jeopardy involved, but actually triple jeopardy and quadruple jeopardy is possible. If the act of the accused happens to be a violation of the Federal criminal law, he can be indicted, tried, and convicted, and if the same act also constitutes a violation of a State criminal law, he can be indicted in a State court, tried and convicted, though all of these convictions be the result of the identical acts or omissions.

The distinguished gentleman, Senator O'MAHONEY, of Wyoming, contemplated a jury-trial amendment which would have been effective in protecting the right of trial by jury in criminal contempt cases, and the southern Senators did what they could to have that amendment approved. They had to be satisfied, however, with a watered-down version of the O'Mahoney amendment, advocated by Senators CHURCH and KEFAUVER. For all practical purposes, the modified amendment virtually wipes out the right of trial by jury. The provision in the modified amendment to the effect that the judge could secure compliance with his order and to prevent obstruction of his order through a civil contempt proceeding, without a jury, eliminated any chance for a jury trial in any criminal contempt proceeding, except where the accused had placed himself in a position where he could not comply with any order of the court.

A few days ago, it was announced that an amendment has been prepared and would be offered on the floor of the House, providing that in criminal contempt cases the judge could try the accused without a jury but could not imprison him for more than 45 days or fine him more than $300. It will be borne in mind that under the present law, and under the Senate amendment, if the accused is a natural person, he could be fined a sum not to exceed $1,000, nor shall imprisonment exceed 6 months. Inasmuch as this suggested amendment could only be for the purpose of denying the accused the right of trial by jury, even in the very limited sphere that the Senate version accords him, the amount of the fine would be reduced approximately 70 percent and the length of imprisonment would be reduced 50 percent, I suggested that maybe the proponents would like to add an additional clause, providing by its terms that if the accused would enter a plea of guilty, thus eliminating the judge having to search his conscience before convicting, that an additional discount of 50 percent should be accorded the defendant.

The last referred to proposed amendment came from the Republican side, and it was met with justified criticism on the part of the Democrats and one of our leading Democrats entitled it "Bargain Basement Legislation." I agreed with that denomination.

Nevertheless, the Washington Post, August 24, 1957 issue, page A7, advises that the Democrats and the Republicans have agreed upon an amendment which would provide that the accused may be tried with or without a jury, but if such proceeding for criminal contempt be tried before a judge without a jury, and the sentence is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceedings, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases. The only reason that I can subscribe for the failure of the Republicans to denounce this last provision is that they equally share the blame for this monstrosity along with the Democrats, and that any sort of amendment, no matter how illogical it might be, would take them off the hook, when they annouced that they would not accept the Senate amendments to H. R. 6127.

One of the many fine things about our legal jurisprudence is that heretofore a person has been allowed to pursue all remedies available to him, and to exercise all of the rights accorded him, without being penalized therefor. It has been my understanding that a court, in fixing a sentence, was to fix that sentence according to what in his judgment was punishment commensurate with the offense, and was not predicated upon whether or not the accused would accept the sentence or would appeal therefrom.

This proposal ushers in a new era in our jurisprudence. If the accused exercises his right under this amendment for a jury trial, he must accept that privilege with the understanding that upon a conviction by a jury, his punishment can be made heavier by the judge. The jury does not fix his punishment, and the power of punishment remains in the judge. It further goes without saying that the jury would, or at least one member of the jury would know that the accused had been convicted by the court, for otherwise they would not have the right to sit in judgment. That is not the Anglo-Saxon conception of fairness. All of these new proposals have been designedly brought forth for the purpose of denying the right of trial by jury, and to deny the accused his constitutional rights. Frankly, if I was trying to avoid according the accused his constitutional rights, I could not suggest any substitute that would be better. It simply happens to be a fact that when the intent is to deprive a person of his rights under our Constitution, any sort of attempt looks silly.

In my humble opinion, the truth is, the right of trial by jury in criminal contempt cases is to all practical intents and purposes gone—gone in the Senate version, and gone with any or none of the substitutes. Yes, the right of trial by jury is gone, and the funeral was conducted by the same people who contended for the right of trial by jury when injustices were brought home to them. This is not progress, this is regression. Many will rue this evil day, when they bestowed upon an arrogant Attorney General the power to deny constitutional rights, and through subterfuge deliberately planned to destroy the mudsills of this Government.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, we are coming to the end of a very long and, certainly in many respects, a very trying matter which has engaged the consideration and involved the very deep convictions of the Members of this House.

I think it is to the credit of the legislative process that in the other body and in this one the entire procedure has been conducted with credit to the membership and to the country, that bitterness and feeling have been subdued to a very minimum, especially when we realize that for 87 years this has been a matter which has demanded the more serious attention of this body; so that I believe it is an extremely creditable thing that this House and the other body have managed to reach this point in this difficult matter and have come out with a workable, effective, and by and large, a desirable solution.

Our action here is predicated upon the basic charter of our liberties, the Constitution, the 15th amendment to which states:

> 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.

Our obligation to proceed legislatively in this matter is likewise based upon section 2 of this amendment:

> The Congress shall have power to enforce this article by appropriate legislation.

This, I submit, is all that we are seeking to do. And this, it is our duty to do.

It was said once about a very great and popular President by one who did not entirely approve of him that "although he does not do everything that you and I would like, the question recurs whether it is likely we can elect a man who would." I think it can equally be said of this bill that, while it may not do everything that you or I would like, without many differing opinions, the question recurs whether it is likely that this Congress would pass any bill which would.

Certainly I have often been led to reflect on the saying that nothing is as good as it looks nor as bad as it seems. This administration-backed bill, it seems to me, being the first genuine civil-rights bill in all these eighty-odd years, is a very important step in the right direction.

Under the bill as it came to us from the other body, broad enforcement

powers do exist under the civil contempt features of the act even as amended. Under it, a Federal judge would have power to jail election officials for refusing to grant voting rights and could do this without a jury, and could keep State officials in jail indefinitely until they purged themselves of contempt by their compliance. This was left in the bill by the other body. The judge could even, if he wished, require the registration to take place in his own courtroom before the offense could be purged.

Perhaps, as it has been noted, the most remarkable thing about this bill is that it has been able to thread the legislative process and comes on now for adoption. I think it ought to be borne in mind, that this has been made possible by a commendable spirit of conciliation. Those of us who wish to carry into effect the President's desire for an effective and workable bill believe that this has been accomplished. Those Members here who felt otherwise have secured some elisions and some amendments which they desired. But it should be remembered that under this law oppression and persecution are guarded against as they are under the decisions of the Federal courts to this day, because only persons bound by and having actual notice of a decree can be punished by criminal contempt proceedings; and criminal contempt convictions are fully reviewable in the appellate courts. And if the proceedings are mixed—both civil and criminal—the criminal safeguards control. Now, there were people, it is true, who after the passage of the bill in the other body, panicked. They were people who shrieked and cried immediatedly "Let us accept the bill." These were people who were too quick to take too little. These were people of little faith who lost confidence in the deliberative processes of this Government. I am very happy that there were those of us who kept our nerve and who kept our faith and our belief that an effective workable bill could be had and that it was not necessary to accept a bill which we truly believed would not be effective. On the other hand, to those who say "This bill has fangs," we reply: "No; but this bill has teeth."

Mr. BOW. Mr. Speaker, will the gentleman yield for a question?

Mr. SCOTT of Pennsylvania. I yield to the gentleman briefly.

Mr. BOW. I would like to ask this question, if the gentleman can answer it or some member of the committee. Would the gentleman say that there is in the jury-trial provision provided here the possibility of double jeopardy? Having been convicted by a Federal court, the defendant then goes to a jury trial. That borders, at least, on the point of double jeopardy.

Mr. SCOTT of Pennsylvania. In my opinion, there is not any danger of bordering on double jeopardy. But I will yield to the gentleman from New York [Mr. KEATING].

Mr. KEATING. I would say briefly to the gentleman that the defendant does not have to ask for a new trial no matter what the sentence is. But if he does under this provision and gets a new trial, it is a new trial entirely. He is not placed in jeopardy a second time, because he waives jeopardy on the first trial by asking for a new trial.

Mr. BOW. Will the gentleman yield for an additional question, if I may?

Mr. SCOTT of Pennsylvania. I yield.

Mr. BOW. If the person has been convicted by the Federal court of contempt and then asks for a jury trial, would the original proceeding before the Federal judge be competent in evidence to be used against him in the jury trial?

Mr. SCOTT of Pennsylvania. In my judgment, it would not, but I again yield to the coauthor of the bill.

Mr. KEATING. I agree with the gentleman from Pennsylvania that it would not, because it is a trial de novo, an entirely new trial. He starts with a clean slate right from the beginning.

Mr. SCOTT of Pennsylvania. I would say to the gentleman that the revised language rather than the original language, in my opinion, is much preferable in that the act now provides for an entirely new trial, and I think the section should be read now, because something has been said about the fact that not too many people have seen this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. GROSS. In the case of a jury trial, a man previously having been held in contempt by a judge, would he come for trial before the same judge?

Mr. SCOTT of Pennsylvania. I do not think that would necessarily follow that he would be required to come before the same judge.

Mr. GROSS. But he could come for trial before the same judge? Could that happen?

Mr. SCOTT of Pennsylvania. It could happen, I agree.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. ABERNETHY. Since the House knows so little about this bill, could the gentleman advise us who wrote it and where it was written?

Mr. SCOTT of Pennsylvania. Yes. I will be very glad to advise the gentleman.

Mr. ABERNETHY. That would be helpful.

Mr. SCOTT of Pennsylvania. I would be delighted to advise the gentleman.

Mr. ABERNETHY. I am referring to the compromise.

Mr. SCOTT of Pennsylvania. I would be delighted. The bill was written and introduced by the author of the bill. I know the gentleman is much enlightened and glad to have the information.

Mr. ABERNETHY. Would the gentleman say that the compromise was written by the author?

Mr. SCOTT of Pennsylvania. The compromise was introduced in the House by the author of the bill. How many people had a hand in it I do not know.

Mr. ABERNETHY. Who is the author of the compromise? That is what I am trying to find out.

Mr. SCOTT of Pennsylvania. I would say under the procedure of this House the author of the compromise is the gentleman who takes the responsibility for introducing it.

Mr. ABERNETHY. Well, who is he?

Mr. SCOTT of Pennsylvania. This resolution has been introduced by the gentleman from Indiana [Mr. MADDEN], and is based upon resolutions heretofore introduced by the gentleman from New York [Mr. CELLER], the gentleman from New York [Mr. KEATING], upon wording suggested by myself and by others. I regret that I cannot yield further. The gentleman understands the situation.

Mr. ABERNETHY. The gentleman has enlightened us. I thank him very much.

Mr. SCOTT of Pennsylvania. I have tried my best.

Mr. Speaker, I think because there has been, as I commented, so much said here and elsewhere as to whether or not there is anything mysterious about the so-called resolution, I would like to read it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 2 additional minutes.

SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

There is nothing mysterious about that; nothing difficult to understand. It does represent a fair solution as between many opposing views. In my judgment, this is a bill which the President can accept. This is not a bill, in my judgment, which faces a veto as other proposals might have. I sincerely hope that the rule will be adopted and that action will be taken by the other body and that then we can all go home.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, under the peculiar situation under which we are laboring this morning, there is very little to be said. I think the colloquy that took place just now between the gentleman from Pennsylvania [Mr. SCOTT] and the other gentlemen who seemed to have some curiosity about what this thing might be illustrates the absurdity of the proceeding that is going on today on a matter of great and vital national importance.

However, I was happy to note that my good friend from the Rules Committee who presented this resolution, the gentleman from Indiana [Mr. MADDEN] is now given credit for writing this ex-

traordinary document. I do not know whether he wants to repudiate it or not. If he does I want to be sure that he has the opportunity. But certain it is that if he does not care to father the child, nobody else in this House has ever been willing to admit where it came from or who wrote it.

I might tell you a thing or two about what has happened in the past. It is rather idle for me to take up this 5 minutes, but the gentleman from Massachusetts [Mr. MARTIN] was kind enough to send me a copy of a compromise that was agreed upon between the leadership on both sides. It arrived at my office Friday night. It was a little short thing, just provided for this change on page 2, which is part 5. That is what came to me. Now evidently there was a great deal of sleepless nights and running back and forth from one end of the Capitol to the other before this thing, of which my friend from Indiana [Mr. MADDEN] is the alleged author, finally reached fruition. Now we have here something that has a lot of fringes and other things added to the original compromise. I am sure that my friend from Indiana [Mr. MADDEN] in writing this new bill tried to do a good job, but it is pretty tough on this House when you have a matter that has stirred the Nation more than anything I have known for a long time, to come here where we are denied the right to discuss it. It has never had committee consideration; it has never had House debate, and it is a fundamental change in the basic principles of law in this country so far as jury trials are concerned.

What it means, nobody knows. I imagine the Federal judges will have to do some retching when this matter is presented for their digestion. It is an amazing thing that has been presented to us here today.

I take the floor because I want to say one thing to the membership of this House: When you vote on this bill you first vote on ordering the previous question. If the previous question is voted down then Mr. MADDEN'S brain child might be changed somewhat, the House would then have the privilege of working its will on what it should be. If the previous question is not voted down there will then be a vote on the bill. It should be distinctly understood that who votes for this resolution votes for a civil-rights bill and there is not going to be any way to duck it or dodge it when you get back home. It does not matter what anybody says, this is the final vote upon the civil-rights bill; you take it or you leave it.

I wish I had the time to discuss this matter on its merits a little bit, this brain child of my friend from Indiana, because I think it is subject to a good deal of discussion and should be analyzed. It is unfortunate we are not going to have that opportunity.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I hope the gentleman is not going to wrap up this infant; we want to do something.

Mr. MADDEN. Is there any legal way I can get adoption papers for this alleged illegitimate resolution? I know some Member will be trying to steal this legislative child away from me before many days pass.

Mr. SMITH of Virginia. I will cooperate with the gentleman; I will be the gentleman's lawyer in that effort and try to get proper adoption papers for him. I think no one has been more assiduous and active in the advocacy of this outrageous measure than has the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. DORN].

Mr. DORN of South Carolina. Mr. Speaker, today is a day of infamy. A day of appeasement and compromise—a compromise shamefully concurred in by the leaders of both political parties, a compromise concocted and conceived in infamy, the surrender of principle for political expedience. The leadership of both national parties in this House, in the other body, in the executive department, and in the headquarters of the Democratic and Republican national parties have abandoned principle and embarked on a political tug of war. With the presidential election of 1960 in mind, they are desperately trying to get credit for the passage of this unnecessary legislation.

I might remind my colleagues today that no nation, no leader, no political party ever gained lasting advantage or grew in character by the surrender of principle. Daladier and Chamberlain at Munich tried to buy peace by surrendering the national integrity of Czechoslovakia. They, instead, brought on war, persecution, and human misery. The gallant Marshal Petain, of World War I, succumbed to the temptation of compromise with the infamous Fascists and Nazis of World War II, brought France into ill repute before the eyes of the world, and spent his last days in imprisonment.

Today, you are following their example. You are, for a political price, bargaining away sacred trial by jury, State sovereignty, and local self-government. You are, for the first time in our history, inaugurating Federal control of elections. You are pointing an accusing finger at a section of the country which has lived in peace and harmony with a minority race for centuries, a section which is an example, in this tragic era of hatred and cold war, of tolerance, progress, brotherly love, and understanding. I will put the record of my people up against that of any other in the field of race relations. The South, through the years, did not solve its problem as Hitler and Mussolini—with bigotry, persecution, and liquidation. Nor have we followed the example of Russia with its Siberian slave camps and its extermination of whole races as they exterminated the White Russians and the Ukrainians. We are making a better record than the Moslems and the Hindus, than the Jews and the Arabs, than the Moroccans, the French, and the Union of South Africa. Yes, our record in the South is even better than many of the great metropolitan areas of our own country.

In your section of our own land, race relations are rapidly deteriorating. You live in constant fear of a major uprising, riots, and mob violence because racial unrest is on the increase. Throughout the world, racial tension is mounting. Nationalists and racial bigots are raising a hue and cry as never before. The only area of the world with two races so completely different, where race relations have constantly improved year by year, is in the southern part of the United States. Now, you are threatening this sure progress by agitation and and condemnation.

It is time, Mr. Speaker, to examine our own conscience. We should again read the words of that great liberal Republican, the Honorable William E. Borah, of Idaho, who, when speaking against Federal lynch legislation on the floor of the other body on January 7, 1938, said:

> Why beholdest thou the mote that is in thy brother's eye and consider not the beam that is in thine own eye?

And again when he said in that famous speech:

> Let us admit that the South is dealing with this question as best it can, admit that the men and women of the South are just as patriotic as we are, just as devoted to the principles of the Constitution as we are, just as willing to sacrifice for the success of their communities as we are. Let us give them credit as American citizens, and cooperate with them, sympathize with them, and help them in the solution of their problem, instead of condemning them. We are one people, one Nation, and they are entitled to be treated upon that basis.

Now, Mr. Speaker, let us look at the record. Without national legislation the southern people have eliminated the horrible crime of lynching. Between 1889 and 1918 there were 2,522 colored people lynched in the United States. This averaged about 84 per year. Every 10-year period, beginning with 1889, which is the highest recorded year, shows a drop—until today there are no lynchings. This problem has been solved entirely by the vigilance of the people of the local communities and the States of the South. Again, Mr. Speaker, may I repeat—without national legislation—although political-minded groups from time to time desperately tried to push through the Congress Federal antilynch legislation. But, fortunately, each time great nonpartisan leaders like William E. Borah rose to their feet in the Senate and joined us in filibustering such legislation.

The South's record on the poll tax is equally as good. The South is solving the employment problem. Both races work side by side on the farm and in the factory in ever-increasing numbers.

When lynching was at its peak in America, about the year 1889, there was little agitation for Federal legislation. The political advantage to be gained was at a minimum, but as lynching decreased year by year, political pressure for legislation increased. Agitation for such legislation reached a peak about the time the South had completely solved the problem. Mr. Speaker, could this be because the proponents of such legislation were frantic to claim credit through Federal legislation and thereby gain political advantage? Today, both political

parties are likewise frantic and desperate to get this civil-rights bill enacted—not because there is a need for it—but because the South is solving the voting problem and both parties want political credit for the progress already made at the local level. The horse is in the barn. The South is closing the door. But now politicians, with an eye on 1960, are frantically rushing up with great propaganda machines and pressure on the Congress to claim credit for closing the door.

Southern Negro voters have been enrolling to vote in a fantastic and ever-increasing rate during the past 10 years. These politicians, who point an accusing finger, know this to be true. Nevertheless, for political gain, they are pushing this civil-rights bill. Borah said in 1938, "Leave this problem to the South and in a very few years lynching would be eliminated." I plead with you today, leave this voting and civil-rights problem to the South and in 5 years they will complete the job quietly, firmly, and without agitation.

Bear in mind that, while these problems in the South were rapidly on the decrease, major problems in other sections of the country such as gangsters, juvenile delinquents, corrupt political machines, political demagogs, and Communists were on the increase.

Yes, lynchings are no more—at least in the South. I did hear of one this year in Boston and one in Chicago but they are unknown in the South of today. There is little talk of an FEPC and none about the poll tax, because the South wisely was left to solve its own peculiar sectional problems. There are no wounds, no scars, no lingering hatred or bitterness because the Congress rejected Federal force bills.

Now, with the enactment of this civil-rights bill, for political gain, you will throw all this progress to the winds, sow hatred, revenge, and turn the clock back 90 years to the tragic era of reconstruction.

The native southerner for generations has borne a major burden. He has been responsible for tutoring and nurturing a completely dissimilar race. In the light of all history, we all must admit that he has done his job well. There were times when he would like to have been free of this burden. There were times when he was tempted to move away and start life anew where there was no race problem. To his everlasting credit, let it be said that he stayed there through adversity, poverty and occupation and brought the minority race a standard of living and a civilization that this race has never known anywhere else in the world.

We should stand up today and defeat this bold, blatant bid for power before it is too late. This is an attempt by pressure groups to control America for the next 100 years. This bill is the first step toward complete Federal regulation and control of elections. This is a bid by the minority to control and dominate the majority. This is a bid for naked power. This is a blueprint of the pattern followed by Hitler, Mussolini, Lenin, and Joe Stalin.

Adolf Hitler did not rise to power in Germany with a majority of the votes in the Reichstag. Following a scientific pattern, he coldly and ruthlessly established a dictatorship over the majority. Likewise, Benito Mussolini's Black Shirts, in their march from Milan to Rome in 1922, were a small minority of the Italian people. Mussolini seized absolute power over a dumbfounded and confused majority. Lenin and Trotsky, in the October rebellions of 1917, seized power over 165 million people with only 50,000 card-carrying Communist followers.

This road to control of the majority is an old one with the same old milestones—the milestones of false propaganda, usurpation of freedoms and local government, step by step. This is the road upon which Napoleon strode forth to litter Europe with the broken bodies of peasant soldiers merely for his personal glory.

Machiavelli, around the year 1500, advanced a theory for the seizure of power. It was the blueprint largely followed by modern dictators and masters of the art of the science of power—lull the majority into complacency and little by little, with Federal authority, fasten the noose around the neck of the majority and destroy freedom.

The real power behind this civil-rights bill is one or two men who have mastered well the theories of Machiavelli and Nicolai Lenin. They control the balance of power between two great American political parties. They are gambling everything. The stakes are high. Their weapons are the bloc voter in the city machines of key industrial States. They sense victory and will stop at nothing to gain control of America. If we give them this civil-rights bill, it will only whet their appetite for more, just as Czechoslovakia fed the lust of the raving Hitler, and Yalta fed an ambitious Stalin.

Benjamin Kidd in his great book, The Science of Power, vividly portrayed how impossible it is for pressure groups and power-mad minorities to call a halt. They demand more and more until they destroy themselves or their country, or until they wield autocratic power over the majority.

The Members of this House, of the other body, and the President are elected by the American people. Yet, one or two individuals in America have become so powerful that they can tell the President and can tell the Congress that this bill must pass and, apparently, it will pass today with this compromise of principle. Is this Congress and the President to dance when minority leaders call the tune? Are the chairman of the Republican Party and the chairman of the Democratic Party to tremble submissively as they receive orders from these masters of the science of power? Are they to exercise more influence on legislation than this Congress or the President elected by the people? We must meet this force sometime, someday, somewhere. Why not do it now, before it grows ever more powerful?

Senator James F. Byrnes, speaking on January 11, 1938, before the Senate in opposition to such legislation, declared:

> If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside, its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard.

The same is now true on this civil rights issue, only today this force is more powerful and flushed with victory. I have seen this small group in the gallery of the House and in the gallery of the Senate. They sit day after day during debate wielding more power on this legislation than the elected representatives of the people.

Time and time again during this debate we have heard proponents of this legislation on both sides of the aisle refer to the civil-rights plank in the Democratic and Republican platforms last fall. They say these planks are a mandate for us to pass this bill. These planks were not placed in the platforms by the worker, the farmer, the small-business man, or by professional people. They were forced upon the platform committees by these masters of the science of power, responsible only to themselves, who represent stupendous political slush funds and voters whom they can control. You know and I know there was not one voter out of a thousand who voted the Democratic or Republican ticket last November because of the civil-rights plank in the platforms. I go further and say there was not one out of a thousand who, when he marked his ballot, knew there was a civil-rights plank in the platform, except possibly the people of the South at whom the plank was aimed.

Another argument used by the proponents to advance this legislation is that we should change our Constitution, alter our way of life to win favor in foreign lands. On pages 4 and 5 of the committee report recommending this bill we find mention of the cold war and the international situation. In other words, you are saying that we must pass this legislation to please Communist Russia—the price of peaceful coexistence. Again, you are compromising—but this time with atheists whose hands are red with innocent blood. You are simply trying to serve God and mammon. Just because Russia is criticizing race relations in America, should we establish a Federal gestapo and set up the machinery for a Federal dictatorship? Again, I must say that you cannot appease the Communists. This will only whet their appetities for more. This is adopting Communist methods, through the back door, in the name of fighting communism.

When you pass this civil rights bill, the Kremlin will find something else wrong with America. They do not believe in God. Are we to destroy our churches and ban religious worship because the Communists are atheists? Are we to destroy our Bill of Rights because Communist Russia does not believe in freedom of worship, freedom of speech, freedom of assembly, a free press, and trial by jury? This is a fallacious argument and is the surest way to destroy our

sacred Constitution. We should legislate for the American people, stand on principle, preserve our Constitution, States rights and local government, regardless of what the Communists might say. This is the only course we can take to win the respect of the world.

This bill, which creates another Assistant Attorney General charged solely with civil rights cases and investigations, is another step toward Federal regulation of the individual citizen. You are creating the machinery through which some day our people can be persecuted. It is difficult for me to understand why so many so-called religious leaders are advocating such legislation as this civil rights bill. This is another blow aimed at the rights of the States and local communities. With States rights and local government, no nationwide religious persecution has ever taken place. It could never happen in America with 48 different States and thousands of local, county and municipal governments. Religious intolerance might exist locally. It could never become a nationwide threat until our Constitution is weakened and our Government completely centralized.

Adolf Hitler rode to power with the aid of some religious leaders. He could inaugurate no program of persecution until he destroyed the states of Germany, burned the Reichstag, made a rubberstamp of its members, destroyed the courts, and centralized all power in Berlin. Only then was it possible to throw religious leaders into Buchenwald and Dachau.

The horrors of the Spanish Inquisition could have never been perpetrated in Spain with States rights and local freedom. It only happened when Philip II held absolute centralized power. The religious persecution and liquidations of Rome, England, and France took place when all power was in the hands of one man. In all the history of the world, no religious persecution materialized on a nationwide basis when the people enjoyed a maximum of State and local government. In a clamor for ever-increasing Federal power, some of our religious leaders are fastening the hangman's noose on religious freedoms of generations to come. It might not take place, but it can happen with the tools being forged by an evergrowing Federal autocracy here in Washington. It can never happen, however, with a maximum of States rights and healthy, strong local government.

Hon. Charles Evans Hughes, Chief Justice of the United States, in an address before a joint session of the Congress on March 4, 1939, observing the sesquicentennial of the Congress said:

> We not only praise individual liberty but our constitutional system has the unique distinction of insuring it. Our guaranties of fair trials, of due process in the protection of life, liberty, and property—which stands between the citizen and arbitrary power—of religious freedom, of free speech, free press, and free assembly, are the safeguards which have been erected against the abuse threatened by gust of passion and prejudice which in misguided zeal would destroy the basic interests of democracy. * * * The firmest ground for confidence in the future is that more than ever we realize that, while democracy must have its organization and controls, its vital breath is individual liberty.

Minorities who blindly support this bill will someday suffer the consequences of Federal power. They are helping to fashion a Damoclean sword which will hang forever over minority races and minority creeds. They can never be persecuted nationally until the machinery of persecution is concentrated in Washington. Once it is created under this bill, the power-mad and lustful individual will follow as surely as night follows the day. Regulation, control and harassment can be directed at those who today clamor for the passage of this legislation.

The wandering Jew has been driven from land to land, persecuted and enslaved at the hands of centralized authority. His greatest protection in America today is the 48 different State constitutions and free local government. Once this power becomes centralized, he has no guaranty for the future. We must not let it happen in America. We must protect the Latin American, the Negro, and all of our minority races from centralized power that could fall into Fascist hands.

Those of us who oppose this legislation have been referred to as reactionaries and conservatives. We have been charged with opposing the march of time, of slowing the wheels of progress, of turning back the clock. But the reactionaries and the Fascists of today are the so-called liberals. They advocate a national socialist autocracy, with the lives of our people planned by the Government from the cradle to the grave. The so-called liberal advocates every measure which will give the Federal Government more power over the lives of our people. He is supporting this legislation in the name of liberalism. I, and my southern colleagues, are the real, true liberals. We agree with Thomas Jefferson that the least governed are the best governed. The bleeding liberal hearts on my right and the modern Republicans on my left, by clamoring for this legislation, are expressing a lack of confidence in the people's ability to think and act for themselves. They have no confidence in the individual. They have no confidence in local government. They have no confidence in the States. They are voting today against the States, free communities and individual citizens. You are placing in the hands of the Attorney General the power to restrict the individual, to hamstring local officials, to curb the power and rights of our States.

Yes; I am a true liberal because I believe in these time-honored institutions. I believe in the people of this country—north, south, east, and west. I would not dare to ever suggest to Detroit, New York, Los Angeles, Chicago, or Boston how they should handle local elections and local affairs. Nor would I dare place in the hands of any Attorney General, Democrat or Republican, the power to tell New Jersey, Pennsylvania, or Minnesota how they must conduct elections.

Yes, the liberals are advocating the liberalism of Hitler, Mussolini, and Stalin. These dictators called their governments democracies. They had elections. But, my friends, elections with only one ticket on the ballot. Nearly a hundred percent of their people voted this one ticket because they were afraid of Himmler and are afraid of the Kremlin. Let me emphasize, Mr. Speaker, that this power is appointive power. This Attorney General will not be elected by the people. He and the Civil Rights Commission will be named by the same power that is forcing the passage of this bill. They know now what the verdict is going to be. They know now what they are going to find and what they are going to report. They know now who is going on the Commission and who will be named Assistant Attorney General in charge of civil rights.

When this bill passes, the Civil Rights Commission will be a stacked one. It will immediately embark upon its course of finding out what it wants to find. In the meantime, the Assistant Attorney General will gather a large staff of investigators and its own gestapo. These instrumentalities of fascism will not rush in and frighten the prey but will lull the American people to sleep with high-sounding phrases about liberty and voting rights. They will secretly and quietly infiltrate. Then as the 1960 presidential election approaches, they will move swiftly, intimidate and harass southern officials, inaugurate block voting and control America to advance their selfish ambitions.

Southern States will be forced to keep 2 jury lists—1 for the Federal courts and 1 for the State courts. The States will no longer have control over who might sit on that jury. Our people will be placed in jail without trial by jury for the slightest provocation.

I have been hoping some Republican leader would rise to the stature of Robert A. Taft, William E. Borah, George Norris, or Robert La Follette and come to our aid in the rear guard action we are waging for individual freedom. Apparently, none is forthcoming. I have hoped in vain that the President would recall his 1952 campaign promises. But he has only aided and abetted these destroyers of freedom. I have hoped in vain that someone would rise on this side of the aisle, or in the other body, and reach the stature of statesmanship of William E. Borah when he said:

> The progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

I will agree to no compromise. I cannot hold evil in one hand and good in the other. I will not plead guilty when I am not guilty. I will never plead my people

guilty when they are not guilty. Principles never change. They are the same yesterday, today, and forever.

You have secretly admitted to me many times the justice of our cause. You openly lack the courage of your convictions. You have adopted the course of hypocrisy for a fleeting momentary political expediency. You have your orders and you will cast your vote accordingly. I have none. I am only standing here as an American, fighting for individual liberty for all Americans in every State, of every creed, and every color. I can truthfully say with the late George W. Norris, of Nebraska, when he said:

I would rather go down to my political grave with a clear conscience than ride in the chariot of victory * * * a Congressional stool pigeon, the slave, the servant, or the vassal of any man, whether he be the owner and manager of a legislative menagerie or the ruler of a great nation. * * * I would rather lie in the silent grave, remembered by both friends and enemies as one who remained true to his faith and who never faltered in what he believed to be his duty, than to still live, old and aged, lacking the confidence of both factions.

Mr. RIVERS. Mr. Speaker, never in the history of this Republic has proposed legislation passed this branch of the Congress fraught with more danger to personal liberty than the alleged compromise on the so-called civil-rights bill which the opposition is about to run roughshod through the House of Representatives this day. No amount of warning seems to disturb those who are competing for the approbation of the leftwing press, the NAACP, and others of similar ilk. It is tragic that President Eisenhower is numbered amongst this distinguished group.

Mr. Speaker, we have just heard the Member from Michigan, Congressman DIGGS, tell us what the plan will be for the future. He has had the effrontery or, let me say, the meeting with the minds of the leadership of the Republicans, to predict or prophesy that his bill is just the beginning. His words, which have been directed at my people, have been plain, concise, and threatening. He has told us of his dislike for our section of America and he has cast down the gauntlet for the southern Members of Congress to take up the challenge. He has said that this bill will be implemented by force within a very few months. He has said that his fanciful opponents in the South will be jailed on imaginary charges dreamed up by his group. He has said that this bill will be implemented in the next session of the Congress; and he has said that this bill is just the beginning. He compares this legislation with that which followed Reconstruction.

Mr. Speaker, this bill is the reincarnation of the Reconstruction Era. It destroys trial by jury; it marks the end of the sovereignty of the States; it marks the beginning of the end of freedom of speech and it sets up for the first time since the founding of this Republic, a gestapo in the Department of Justice. No President since the beginning of this Nation has dared what Dwight Eisenhower has just done.

Mr. Speaker, they say that if we do not accept this compromise a more drastic proposal will be passed by the other body—the Senate—should the Republicans take charge of the Senate. Mr. Speaker, I do not conform to this line of thought. If the Republicans can make a stronger bill in the other body, should they accede to the leadership they can certainly amend this legislation during the next session of the Congress should they take over.

I fervently hope that the southern Members of the other body—in which body alone remains unlimited debate—filibuster—will take up the challenge laid down by the Member from Michigan, Congressman DIGGS. It is said that filibuster is not practical at this time. Mr. Speaker, if there was ever a time in the history of the Nation when filibuster is needed or appropriate to preserve the American way of life, it is now. No agreement, no compromise, nor the fortunes of those who aspire to be President, justifies the taking of this bill by the other body without a filibuster.

Mr. Speaker, I have had plans all the summer for a short vacation. I have plans now to make an extended trip in the interest of the military on which perchance I may get a few days of needed rest. Mr. Speaker, I am willing here and now to forgo any or all of these plans and any I may have in the future in order to remain here should our Representatives from the South decide to filibuster this monstrous, un-American proposal to death. Mr. Speaker, I am prepared to remain here until the frost forms on the pumpkin should such be necessary to save the rights of my people in this hour of political expediency.

Mr. MADDEN. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. DIGGS].

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at the end of the remarks by the gentleman from Michigan [Mr. DIGGS].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIGGS. Mr. Speaker, it is difficult for most Americans to believe that at this late date in the 20th century some of our citizens are denied the right to vote because of their race. Nevertheless, it is an ugly fact substantiated by the unrefuted testimony of an impressive list of witnesses. With the enactment of the pending measure into law, the Congress and the President will have made it crystal clear that they oppose restriction of the right to vote. The newest compromise amendment in the jury trial issue has the official blessing of the administration and the Congressional leadership of both parties. This means that in the next few months we should see some concrete action by the United States Department of Justice in those areas of the Nation where the ballot is reserved for white only. Again and again intimidating actions such as cross burning, economic pressure, violence and the shooting of Negroes who merely sought their constitutional right to vote has shocked the Nation. Almost without exception, the Department of Justice has either failed to act on these matters or if it did act, no indictments have been returned by grand juries. Frequently, the Department has said it could not act because no Federal law had been violated. At other times, as in the complaints originating in Ouachita Parish, La., the Department has found extensive violations of existing law but excellent evidence assembled by the Federal Bureau of Investigation does not get before the public because there are no hearings in open court.

Let no one be so naive as to assume the passage of this bill will automatically accomplish its objective. Success of this new statute will depend on the vigor and determination that the proposed Civil Rights Commission and the Justice Department exercise in using its provisions to protect the right to vote. Success will also depend upon the acquiescence of the Deep South to its responsibility to uphold the law of the land notwithstanding how repugnant may be the consequences as they see them. The world will be watching to see if the Deep South follows the proper course or if it pursues the suggestion of a prominent Alabama circuit court judge who has urged that local enforcement agents refuse to cooperate with Federal officials relative to this measure, or the suggestion of a Louisiana Member of the other body, that educational requirements be raised and poll taxes be increased and made accumulative over a longer period to frustrate the enfranchisement of Negroes. With these threats hanging over the democratic efforts of this legislation and its exclusion of a number of other civil-rights problems in the fields of education, housing, employment, transportation, and so forth, no matter what the future holds for this particular bill it is not the last time Congress will have the opportunity to correct violations of civil rights. Those who sincerely wanted to keep this bill from passing in its present form with the hope of strengthening it or making it more inclusive at the next session of Congress will have full opportunity to do so through the regular legislative process.

As we stand on the threshold of enacting the first civil-rights bill since the Reconstruction Era, let us concentrate on what it does accomplish, not on what it does not accomplish. It is opportune that we pause and refresh our memory about its positive provisions heretofore unavailable to those affected and concerned with civil rights.

The Civil Rights Act of 1957 provides for a bipartisan commission with subpena powers to call witnesses and investigate alleged civil rights violations of all kinds. Its authority extends for 2 years. It provides for the establishment of a Civil Rights Division within the Justice Department under the supervision and prestige of an Assistant Attorney General. It provides that the Attorney General may institute injunctive proceedings, in the name of the United

States Government, and on behalf of an aggrieved person, to prevent acts designed to keep Negroes from the polls. This preventive action, as opposed to punitive action under present law which is operative only after an act has been committed, is a new weapon of enforcement. It permits the Attorney General to bypass State local courts and go directly into Federal Courts. It overcomes those State statutes which have been resurrected to prohibit organizations like the NAACP from filing suits on behalf of persons who are unable to do so themselves because of financial situation or intimidation. The compromise jury trial feature which has been made a part of the injunctive enforcement of voting rights, applies only to criminal contempt proceedings designed to punish a person for willful disobedience of an injunction or other court order. Even there the judge may exercise discretion; the accused may be tried with or without a jury. However, if the judge tries the case without a jury, in the event of a conviction if the fine should exceed $300 or imprisonment of 45 days, the accused upon demand will be entitled to a new trial before jury. The accused is not entitled to jury trial if the fine does not exceed this $300 or imprisonment the maximum 45 days. If the accused does demand or is granted a jury trial, a conviction can draw maximum penalties of $1,000 or 6 months' imprisonment.

In civil contempt proceedings aimed at securing compliance with a court order, the accused is not entitled to a jury trial. While it remains to be seen whether the jury trial provision in criminal contempt cases will assure Negroes the proper amount of protection, it has been claimed that the vast majority of voting cases will be disposed of in civil actions without a jury.

In the final analysis, the Civil Rights Act of 1957 does not go nearly so far as needs have demanded and the American people in the majority have requested. As a matter of fact, neither did the original House-passed version. The bill as it stands is a starting point and is significant because the Federal Government is for the first time in more than 80 years asserting its obligation to enforce constitutionally guaranteed rights. It is also significant because it was achieved out of a historical bipartisan effort on the issue of civil rights. Members of both parties can truly share the glory for the enactment of this monumental legislation. In the final analysis, the effective enforcement of this act assuring constitutional rights will not benefit Negroes alone; nor will it benefit Americans alone. It will extend its benefits throughout the entire Free World.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the 85th Congress will long be remembered as that body of men and women which passed the first civil-rights legislation in 87 years—truly a milestone in human progress. There has been so much publicity concerning the so-called compromise upon the question of jury trial that little recognition has been given to the other significant and important parts of this legislation. Outstanding are these:

First, the authority given the Attorney General to seek injunctions to prevent not punish, violations of voting rights. In a sense, this is not a new power, but merely extends to individuals the principle of regulation long applicable to corporations.

Second. In order that the power may not be an empty gesture, there is created a new civil-rights division in the Department of Justice under a new Assistant Attorney General. Thus the fact becomes clear that the executive branch of the Government is now wholly responsible for insuring that every American eligible to vote may have his right to do so fully protected.

Third. The bill recognizes that there are other civil rights which need also to be enforced. There is therefore a Civil Rights Commission with the power of subpena. The Commission is charged with receiving complaints of civil-rights violations and shall recommend new legislation if this is found to be necessary. It is to be presumed that there will be the closest coordination between the new Assistant Attorney General and this Commission.

There are many of us who would have liked a stronger bill. Certainly there could be a better bill. With many others I have introduced such legislation. But law is often a matter of evolution. No one can possibly say exactly what an act will or will not accomplish until it has been adopted and tried in actual practice. The efficacy of a law is always measured by its administration. A weak law with strong enforcement can work very well. A strong law with little or no enforcement is useless. Attorney General Brownell, who has remained in London while we have been trying to get a civil-rights bill passed, has been calling across the water for a stronger bill. If he will spend one-half the energy in enforcing this law and making effective its enforcement machinery that he has been using in denouncing it, we will do very well with this measure.

It is significant that 16 liberal organizations including the National Association for the Advancement of Colored People and the executive council of the AFL–CIO have gone on record as favoring immediate passage. The true friends of civil rights and civil liberties will not be blinded by the political shenanigans of the past few weeks, and will put to the test those newly found friends of civil rights in whose hands rest the enforcement of this law.

In the meantime, our unswerving attention must be given to the pressing needs in this field so vital to real democracy. On August 7 of this year I placed in the CONGRESSIONAL RECORD on page 13943 a shocking report by the Anti-Defamation League of B'nai B'rith, in which was chronicled a series of discriminatory employment practices by certain firms in the city of Los Angeles. On August 8, the Executive Director of the President's Committee on Government Contracts reported to me by letter the following action of the Committee:

July 29: The committee received from the above-named organization (the Anti-Defamation League) complaints alleging that 202 companies in the Los Angeles area had violated provisions of the standard nondiscrimination clause by filing discriminatory job orders.

July 30: Lists including the names of 187 companies were sent the major Government contracting agencies with our request that the contracting agencies designate all companies holding Government contracts.

July 31: Complaints involving 15 of the companies were forwarded to the Department of Defense for investigation.

Some of the complaints included such practices as the use of coding systems to indicate the religion or the color of applicants for employment. Others used a letter system attached to job orders to indicate that certain persons or groups were not to be considered for employment.

Discriminatory employment must be eliminated in the United States. It is claimed by some that voluntary action will accomplish this. But the world in which we live makes it imperative that we not wait another 87 years to eliminate such evils. In my city of Los Angeles unemployment is again becoming a serious problem. Discrimination in the matter of layoffs and rehiring must not only be discovered wherever it exists, but prompt action must be taken to stamp it out.

I cite these things in order that those of us who have been privileged to see our strenuous efforts for civil-rights legislation come at least to partial victory may be warned that the road ahead for correction of injustices will be equally hard and difficult. We shall redouble our efforts. We remain determined, with the help of all true Americans, that Justice and Freedom, cornerstones of democracy, shall prevail among all our citizens.

Mr. WHITENER. Mr. Speaker, on yesterday when I first saw the proposed contents of House Resolution 410 I was utterly astounded at its provisions.

I am opposed to H. R. 6127—with or without the Senate amendments and with or without the House amendments set forth in House Resolution 410.

The authorship of the so-called compromise jury-trial amendment is much in doubt. In spite of diligent inquiry no one can be found who admits its authorship. We are merely told that our colleague who presented this so-called compromise to the Rules Committee is to be given credit for its conception and birth.

It is abundantly clear that the person who wrote this document is not learned in the law or else has completely disregarded such knowledge as he might have had of fundamental legal principles. If the constitutionality of this legislative monstrosity is ever presented to a court which follows legal precedent rather than sociological theories I have no doubt that its life will be of short duration. It cannot, in my opinion, withstand valid constitutional scrutiny.

When we analyze the new part V we find that the act, in effect, says to a defendant charged with criminal contempt that he can be punished by a fine not exceeding $1,000 and imprisonment not exceeding 6 months, or both. The defendant is then told by this proposal that in a proceeding for criminal contempt he can only have a jury trial at the discretion of the presiding judge. Remarkably, this so-called compromise amendment says to the defendant that if he is convicted by a judge and sentenced to imprisonment in excess of 45 days or a fine in excess of $300 the defendant may then demand a trial de novo before a jury. This is what the proponents would have us believe is a jury-trial amendment.

But let us witness the practical legal aspects of this legislative brainchild. The defendant having been convicted in a hearing before a judge, without a jury, and sentenced to serve 60 days and/or to pay the sum of $310 as a fine may then demand a jury trial presided over by the same judge who has theretofcre adjudicated him to be guilty of contempt. The new section 151 says that this trial de novo before a jury "shall conform as near as may be to the practice in other criminal cases."

What is the "practice in other criminal cases" before the Federal courts of the United States? It is elementary that the trial judge may express an opinion upon the facts in his instructions to the jury in Federal cases. This is contrary to the practice in many, if not all, of the State courts.

So, we see the spectacle of a judge who has previously adjudicatd the guilt of the defendant instructing the jury in the identical case and having the right to comment to the jury upon the question of whether the facts sustain the charge. This is not consistent with my idea of a fair and proper administration of justice.

Then, too, the defendant having demanded the jury trial after his conviction by the judge, may, in the sole discretion of the judge, be imprisoned up to 6 months—not the 60 days originally given to him—or may be fined up to $1,000—and not merely the $310 fine originally assessed—on the same evidence originally laid before the court.

Any person who has had experience in the trial of cases should know that this situation gives rise to legalized blackmail to a defendant brought into the courts for an alleged contempt.

Another disturbing feature of this purported compromise jury-trial amendment is that it militates mightily against our constitutional prohibition against double jeopardy. It does this through the devious method of placing the burden upon the defendant to demand a trial by jury after the judge has pronounced judgment upon him in the first instance. This is apparently a clever method of putting a defendant in the position of waiving his constitutional immunity to twice being put on trial for the same criminal offense. In its net effect it is another giant step in the destruction of basic constitutional government and proper administration of justice.

This is a tragic day in the history of our Nation. Tragic because the crescendo of voices rising in support of H. R. 6127 and House Resolution 410 indicates that a substantial majority of the Members of this body are giving their support to legislation which has as its effect the breeding of civil wrongs rather than the protection of civil rights.

My vote is against the pending resolution. I believe that it is a vote for the preservation of the basic American conception of jurisprudence and constitutional government.

Mr. MACHROWICZ. Mr. Speaker, this may be a historic day in the annals of our Nation's history. We are about to enact, I hope, the first civil-rights legislation in the past 87 years of legislative history. In June of this year, the House passed by an outstanding majority vote, a bill which contained all the elements of a good and fair civil-rights bill. Unfortunately, the other body adopted a number of amendments which would seriously hamper the enforcement of the bill and would remove some of its most vital benefits.

Those of us who fought for an adequate and full civil-rights bill are in a difficult quandary in voting on today's resolution. True, it removes many of the most serious objections to the Senate bill. However, it falls far short of what we consider a minimum in granting to every citizen of this country protection of the rights and privileges which are his. Nevertheless, sponsors of the resolution and the leadership of both parties assure us that it is a workable bill and that its enforcement will grant a great degree of protection to the citizens of this country now being unlawfully deprived of their rights.

Under the circumstances, I intend to vote for the resolution, even though I realize the bill falls far short of the standards which we have set. I realize that the only alternative is failure to enact any legislation whatsoever in this field, and those who have fought and worked for this bill would find all their labor lost and wasted.

Enactment of this bill does not mean that we shall rest on our oars, satisfied with our accomplishment. It is merely the beginning of the progress which we hope will continue by enactment of further and more complete legislation in the future. The history of the United States of America is a running story of the continuing struggle to achieve the goal which our Founding Fathers recognized in the expression "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

The rights and privileges of all Americans are the responsibility of the Federal Government because those rights and privileges are anchored in the Constitution and laws of the United States; they are attributes of national citizenship which recognize the dignity of the human being as the true basic reason for the very existence of government itself. Under our American concept of government, the consent of the governed is the sole source of political authority.

I hope we shall never forget our obligation to live up to our responsibility in this field.

Mr. ABBITT. Mr. Speaker, I am unalterably opposed to this so-called civil-rights legislation that is before the House today. The bill now before us is the bill passed by the House, amended by the Senate, and now voted out of the Rules Committee with a so-called compromise amendment. This bill as presently drawn, including the amendments passed by the Senate and the so-called compromise jury-trial amendment, takes from the people of this Nation rights, privileges, and freedoms that they have had for generations. It takes from the States much of their sovereignty and sets up a new form of philosophy for the operation of the Federal Government.

We are told that this measure is a compromise—that it is a mild right-to-vote bill. I say to you that certain leaders are bartering away the rights, privileges, and freedom of the American people for political expediency and in the hope that their national party will receive the votes of certain minority groups as a result of their action.

I cannot in good conscience condone such flagrant dissipation of our liberties; nor can I remain silent in the face of an all-out attempt by political opportunists to hoodwink the people into believing that the present civil-rights legislation, as amended by the Senate together with the so-called compromise, is a mild voting-rights bill that will do no real violence to the American way of life nor curtail the liberties of the people. Such action on the part of the leaders involved is a betrayal of the trust that the people have placed in those in authority who would foist such legislation upon an unsuspecting people.

This legislation is evil; it is dangerous; it is liberty destroying; it is iniquitous; and yet there are those in our midst who would have us accept such legislation without letting the people know how bad it really is.

So far as the compromise provision is concerned, it is a farce. It takes from the Senate version the right of a trial by jury in criminal contempt cases. It leaves it to the judge to say whether or not the defendant would be granted a jury trial; and then the judge can wait until he has first convicted the defendant and branded him as a criminal before he allows him to have a trial by jury.

So far as parts 1, 2, and 4 of the bill are concerned, they are just as obnoxious as they were as passed by the House of Representatives. Part 1 sets up a Commission on Civil Rights to make a study of all phases of civil rights. It is given subpena power and can appoint advisory committees. Section 2 creates a civil-rights division in the Attorney General's Office. These two sections together will permit the Commission and the Attorney General's Office to harass, to browbeat, and intimidate the American people in an endeavor to force them to succumb to the whims and wishes of the NAACP and other like organizations. It will be a sounding board for socialistic groups. The two agencies together will be in a position to carry out the conspiracy between the NAACP, this administration, and Brownell to compel State officials

and other loyal Americans to submit to the obnoxious judicial tyranny of certain segments of the Federal judiciary. The two sections together set up a roving band of hatchetmen, a small gestapo, going throughout the country stirring up litigation, breaking down law and order so far as States and localities are concerned. These characters, agents, and political hatchmen will be able to drum up fictitious charges against loyal citizens, and hale them before the Commission or into the Federal court at the expense of the taxpayers of America. They will be like a pack of wild dogs or wolves turned loose upon a flock of sheep; and yet, there are those in this Congress and in the Government who would have us believe that this is an innocent little voting-rights bill.

Part 4 puts the Federal Government, acting through the Attorney General, in the position to take over the election machinery and the electorate of the States and localities. It provides a device to bypass State laws, State remedies, State courts, the right of trial by jury, in all election matters. It will result in election by judicial decree. We will have our elections supervised, administered, and actually taken over by the Federal judiciary and at the whim of the Attorney General. The Attorney General will be the electoral czar of America.

The voting rights of the South are put in a political straitjacket with the key turned over to the Attorney General who will be the political hatchetman of the administration then in power. He will have the authority to manipulate these rights according to his own whims and fancies and political philosophy.

The so-called compromise is a political sellout of the rights of the people and the sovereignty of the States.

I hope this legislation will never be enacted into law.

Mr. CURTIS of Massachusetts. Mr. Speaker, while I recognize that the present compromise relating to the civil-rights bill is probably the best that can now be accomplished, I rise to express my opposition to the injection of jury trials between orders of the court made after full hearing and the enforcement of such orders.

Equity courts have traditionally had the power, frequently referred to as an inherent power, to enforce their decrees by holding violators in contempt of court without jury trial. The provision for jury trials in contempt proceedings, even as limited in this bill, is not sound legislation.

To require that a court, after conducting a trial and issuing its decree, can enforce that decree—if it is violated—only after a second and separate jury trial, is inconsistent of the prompt and orderly administration of justice.

Under the terms of this bill, this requirement applies only to contempts classed as criminal. But the distinction between civil and criminal contempt is technical, and the above principles should apply in either case.

In civil contempt the violator of the decree has failed to do an act which he can still do, and the contempt citation forces compliance. In criminal contempt he has done an act which he cannot undo, and the contempt citation is punitive. But in each case the purpose of holding the violator in contempt is to compel respect for the decree of the court; and even "criminal" contempts result from a violation of a court's decree rather than of a criminal statute, and should be classed primarily as contempts rather than as crimes in the usual sense of that word.

To take this power of enforcing its decree out of the hands of the court in civil contempt cases might well be unconstitutional; and to do so in criminal contempt cases is at best bad legislation.

It is generally recognized that the injunctive procedure is a special procedure which involves action by a court without a jury. And it is suggested that the fundamental objection of opponents of this legislation was to the use of injunctions in these cases, although this objection was referred to as opposition to deprivation of jury trial.

Jury trials in contempt proceedings first came into our laws as a reaction against allegedly unduly broad and unfair injunctions against strikers, and the objection was voiced as one against "government by injunction." Later, jury trials in contempt proceedings were greatly limited in labor cases, if not completely done away with.

Jury trials should not be injected between orders of a court made after full hearing and the enforcement of such orders. To do so may well create a stumbling block in the future should there be occasion for further legislation in the area of this bill.

Mr. GRANT. Mr. Speaker, we are faced here today with a situation which gives 435 Members of this House 1 hour in which to debate legislation that originally took the House a week or more and the Senate approximately a month and it appears, after spending this length of time, that new evils are being found in it. It would be bad enough if we were acting upon the legislation enacted in the House and Senate but here today we are called upon to vote upon legislation that was never presented to either body. No one here fully understands the full import of this legislation; it is a go-home gadget. We should have full debate upon this new legislation or else stay here until the snow flies.

The Rules Committee serves us a ridiculous piece of legislation; it is said to be a compromise. A compromise by whom? This thing is neither fish nor fowl. There is no name for it in jurisprudence. If it is mandatory that we must have something, give us the House bill or the Senate bill—no makeshift like this. The press reports that this is a face-saving gimmick. Face-saving for whom? Whose face is being saved?

When the matter of a jury trial was before the Senate, there, under the rules of the full debate, Members of that body from all sections of the country were able to prove to the majority that the legislation should not be enacted unless there was a guaranty of trial by jury. In this fine debate the spotlight was focused upon the legislation, and the Senate and the country became convinced that it should not be enacted unless the House bill was amended. The antijury trial section was depicted in that body as the worst of tyrannical procedure. Even the most ardent supporters of this legislation conceded that the Senate version was a significant gain for voting rights and even the NAACP and other organizations active in its support, recognized this to be a fact, and I understand were most willing to accept this legislation; however, when the bill got back to the House it seemed that somebody's face had to be saved.

It was suggested on the House side by several Members that the legislation be amended to provide that there would be no jury trials if penalties were limited to a $300 fine and 90 days in jail; however, if greater penalties were contemplated there would be jury trials. This suggestion was kicked around and was termed ridiculous and ludicrous by many who favored some kind of legislation; however, in a few days it became apparent that here was at least something which somebody could trade upon. It was suggested that some modification was in order and that $289.98 fine and 51½ days in jail would save the opposition's face—whichever seemed to be the opposition—so out of this came the Rules Committee writing the legislation which provides that a judge can impose a penalty up to a $300 fine or 45 days in jail, and if the fine and penalty is over this amount he must grant a new trial with a jury, at the request of the defendant. You can call it a compromise, a face saver, or whatever you want to, but you cannot get away from the fact, if the principle of jury trials is invalid in criminal-contempt proceedings involving a sentence of 46 days in jail, there is no explanation of why it becomes invalid if the penalty is 45 days. This is a farce on the Senate bill. The legislation that came back to the House from the Senate and which the Rules Committee has junked says that as a matter of right and principle a person should have a jury trial. The all-powerful Rules Committee, by its actions, says that it is halfway right: that a person is entitled to a half jury trial.

I note that a group of Senators have met and discussed the proposition which is being brought to us today by the Rules Committee and that this group is unanimously of the opinion that this legislation is unconstitutional. There were some distinguished lawyers in this group, and I agree with their findings; however, no one can stand upon this floor here today and say what is constitutional or unconstitutional. We cannot afford to take a chance. This legislation is ill advised; it is punitive in nature, and in the end it will not contribute toward constitutional government. Those of you who would force this legislation upon America had better stop, look, and listen. You are here trying to shift your responsibility. Oh yes; certain ones can beat their breasts and claim what they have done for the colored race in the South. What you are doing will, in the long run, I am afraid, do them irreparable harm.

Progress is being made in my State and in other States in the South. People of good will in both races have been

doing great work toward better race relations; however, I must confess that such legislation as this is causing suspicion and distrust where it did not exist before. You have the solution, and we in the South have the problem. Your solution only adds more to the problem. Regardless of what might be done with this legislation here in Congress, I believe that the country within the past few months has become more aware of what is being done here than most of us realize. You cannot destroy one right in order to gain another so-called right.

Mr. HENDERSON. Mr. Speaker, at long last, it appears that the determination of the Republican administration and Republican leadership in the Congress will result not only in a civil-rights bill but in a civil-rights bill of some strength and meaning, rather than a watered-down pottage of high-sounding platitudes.

It would have been relatively easy for the Republicans to have submitted to the insistence of the advocates of a weak and ineffective civil-rights bill and rationalized that capitulation on the grounds that a weak bill is better than no bill at all, or that a party which is in the minority in Congress cannot accomplish desirable results. The strength of this civil-rights legislation is the result of Republican leadership and Republican determination for good legislation.

The civil-rights bill now being approved by the House and which will next be considered by the other body before its submission to the President is a compromise measure. It is not the same bill which passed the House originally. The opponents of civil-rights legislation have taken their toll. However, this bill is directed toward the essential problem; that is, toward implementing the 15th amendment of the Constitution, which guarantees every citizen the right to vote. It provides for a jury trial for persons who interfere with the voting rights of others upon request of the accused when the first trial before a judge results in a sentence in excess of $300 or 45 days in jail.

There has been much oratory on this measure. The effect has been to create an impression that something new in the concept of American freedoms is being wrought by this bill. This is, of course, not the case. This bill is to assure the right to vote to American citizens—a right and privilege which is inherent in our American system of government and essential to its proper functioning. We in Congress have spent weeks and months in enacting a guaranty of that right to millions of Americans who have been deprived of that privilege through local custom, threat, and intimidation. If the contention is true that there is in fact no interference with the right to vote in some parts of our Nation, then even the opponents of the bill have no grounds of complaint.

As we vote upon this measure, I wonder if those people who are being guaranteed the right to exercise their franchise will take advantage of our labors. I wonder if they will think enough of their Government to make use of that right.

The millions of Americans who have had that privilege of voting through the years since our Nation was formed have been halfhearted in their exercise of the right to vote.

In the election of 1956, there were 104 million persons of voting age, 51 million men and 53 million women. Of the 104 million, only 62 million actually voted. In 1960 there will be 108 million people, according to census estimates. How many of them will go to the polls to assert themselves and take advantage of this priceless privilege of freemen? No one can say, of course. Yet, we must remember that rights disregarded are more easily lost to a people than those which they exercise with vigor. Let us hope that this long debate will focus the people's attention on voting rights and create a new appreciation of liberties and citizenship responsibilities in all sections of the Nation.

To many Americans, voting privileges seem no longer to be the cherished possession the founders of our Nation envisaged. Will the people who are being assured that privilege by this legislation cherish it or ignore it? If they ignore it, we in Congress have labored in vain.

Mr. DOWDY. Mr. Speaker, with the highly restrictive gag rule under which we are here operating—1 hour debate among 435 House Members, there is no time available to me, same being controlled by the proponents of the bill, to discuss the issues.

I will only say this: When this matter was first before the House about 2 months ago, the proponents, in most pious phrases, succeeded in misleading the majority of the Members of this House, by intentionally misrepresenting that the House bill was solely and alone a right to vote bill. A few of us who tried to show such statements to be false were stormed down. It has been definitely and without any doubt established that the claim concerning the House bill was false.

Now, the Senate version of the bill is before us with what is claimed to be a jury trial amendment. It is proposed to compromise that so-called jury amendment by absolutely and expressly denying jury trial as a matter of right, even in a criminal contempt case, except in the discretion of the trial court. Trial courts have that discretion without this amendment.

To vote for this will be abject capitulation, and could well mean the loss of what remains of the rights of the States and freedom of individuals.

The claim that this so-called compromise contains a jury trial guaranty is just as false as was the claim that the House bill was only a right to vote bill, and just as willfully made.

Mr. FLYNT. Mr. Speaker, it is a tragic day for America when this body for the second time in one session prepares itself to vote for the enactment of legislation which is vicious in its conception, punitive in its intention and horrible to consider. In nearly every term of Congress for many years legislation of this kind, with varying degrees of intensity, has been proposed, hearings have been held and legislation proceeded along various routes, only to vanish with the sine die adjournment of previous Congresses.

Heretofore, everyone has generally accepted the fact that this legislation was not needed and tacitly admitted that it was both unnecessary and useless. Heretofore, it has expired with the term of each Congress.

Today, however, a different situation prevails. Two contesting groups in a bid for political power have been willing to exchange the birthright of American liberty and constitutional government for the votes of minority groups. In their desire to overwhelm each other in professing love and devotion to those minorities, they have either knowingly or unknowingly helped destroy our constitutional form of government as we know it. They have almost reached a moment of triumph as they see their punitive legislation near enactment. It recalls to mind the drunken, power-crazed Nero, Emperor of Rome, as he gloated over the destruction of the Eternal City.

During my service in this body, I have on every occasion opposed this legislation, not only because it is aimed at the very heart of my section of the country, but also because it is aimed at the very heart of our Constitution and our heritage of freedom. I have spoken out against it on this floor whenever the rules of the House would permit, and I have used every moment of time available under these rules.

Today the time allowed to me is negligible and nothing that I can say or do can long delay what appears to be the inevitable result of this vote today. Yet, if I were not circumscribed by the rules under which we operate, I would speak in opposition to this legislation until I collapsed from physical exhaustion. My desire to speak at length for as many hours as strength would permit would be in the hopes that some word or some thought of mine might help one or more of my colleagues realize the viciousness and the punitive nature of this legislation.

Never during this entire legislative battle have I remained silent. On the contrary, I have sought to include as a part of my remarks in opposition to this legislation those reasons why I have felt it can but lead to destruction and devastation.

The so-called jury-trial provision in that version of the bill upon which we are to vote today is a mockery, a fraud, a sham, and a delusion. It takes away, and the legislative intent is clearly shown, those individual liberties contained in our Constitution, once held sacred and now to be violated. They are now to be violated as though they were but alien words rather than part of the basic principles upon which our Nation, our America, has grown and prospered.

Affirmative action on this legislation will turn back the clock to the days of tyranny and despotism. Tyrants and despots through the ages have sought to do by tyrannical flat things no worse than this bill does by legislative enactment. The pages of history are replete with nations whose autocratic rulers, 1 by 1, have destroyed sacred liberties and freedoms fought for and earned by its

citizens. History is equally filled with accounts of nations decaying and being destroyed beginning with the very moment that the sacred liberties of its people were threatened.

I do not want to see the Congress of which I am a Member turn back the clock to violate and destroy the right of jury trials. I do not want to see the clock turned back to the days of Judge Jeffreys, who often put on his black cap in the courts of the bloodiest assizes and sentence to death men whose only crime was to speak their own thoughts and to dare to speak out against tyranny.

Our jury system as we know it is not perfect. Few things designed by man are perfect, but through the entire life of our Nation and our people, we have learned that when juries have made mistakes they have been honest mistakes made by the minds of men, rather than intentional errors created in the black hearts of judicial tyrants.

Those early Americans who brought about the first 10 amendments to our Constitution, which we know as the American Bill of Rights, no doubt are saddened and sorrowful as they look down from the canopy of heaven at what we are about to do today. They may well be reflecting that they are watching from their eternal resting place the sun of America today pass its noonday height.

Although the sponsors of this legislation profess to be interested in the welfare of Negroes and other minority groups, nothing could be further from the truth. The sponsors of civil-rights legislation have one idea and one purpose in mind, and that is the blocking of economic progress in the South, creation of a constant, never-ending state of racial strife and turmoil, and a reduction of every Southern State to both economic bondage and a position of servitude to an all-powerful Federal Government.

This goal of those who would destroy us, if accomplished, can have but one end and one result, and that is the destruction of individual liberties and the enslavement of all Americans wherever those Americans live.

Constitutional safeguards of all the people become meaningless when Congress undertakes to enact laws giving such rights to minorities. When individual rights are transferred to groups or classes, then we are treading on dangerous ground.

Every American citizen, whatever his color, race, or creed has his rights threatened by this bill.

This bill, if enacted, will change private action to Government action. It will deny individuals the right to face and cross-examine their accusers, and it will deny them the right of indictment. If enacted, this bill will have the effect of changing our form of Government from one under which rights are inalienable with the individual to one under which the Attorney General of the United States may arbitrarily determine such rights.

If this bill is enacted, it will not confer upon a single American citizen a single additional right. The Attorney General will be the only person to whom any new rights are conferred. He will be given arbitrary and unrestricted power to use the Federal judiciary to satisfy his political desires. The Attorney General will be made a czar of the civil rights of all individuals.

I cannot conceive, Mr. Speaker, that Congress can improve on the Bill of Rights of the Constitution of the United States. I submit to you that every citizen is protected by that Constitution, and he is entitled to immediate remedies in the event those rights are violated in any degree.

It is my view, Mr. Speaker, that the protection of civil rights is adequately made by our Constitution and Bill of Rights.

Mr. Speaker, I for one do not desire to be a party to enacting into the law another reconstruction period and a period of hate, which would destroy the unity which exists between our citizens.

Mr. HEMPHILL. Mr. Speaker, today the Nation is threatened with the passage of what is known as a "compromise" civil rights bill, which totally supersedes the civil rights bill considered by the United States House of Representatives for 5 months, and casts aside the considered amendments of the United States Senate. You will recall that the debate in the Senate was one of the greatest debates ever held in that body—the men and women of America came to realize that while this legislation was conceived in political chicanery, and born of a mad desire to obtain the Negro vote at whatever cost to freedom, that certain safeguards such as a jury trial, must and should be preserved.

Now a majority of the members of the Committee on Rules of the House of Representatives seeks to trample into the dust the jury trial amendment, voted by the Senate, and substitute therefor—discretion of the judge—the possibility of triple jeopardy—the avenue of persecution—a vehicle of potential tyranny. When the Senate bill came back to the House, section 152 beginning on page 14, provided for jury trial as follows:

> In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

In lieu thereof this compromise substitutes a provision allowing the judge to set or consider the sentence first and then have the persecuted determine whether he wants a jury trial or not, dependent upon the length of the sentence or the magnitude of the fine. The guilt or innocence becomes of secondary importance under the terms of this compromise. I say, unequivocably, that this factor alone is indicative of the reckless, or malicious, treatment of this matter.

Discretion is left in the hands of the Federal judge. Federal judges have enormous powers already, far greater than State judges ordinarily have. The powers of Federal judges need no enlargement at this time. Freedom demands that limitation on the power of the judiciary at all times, and especially in time of social crisis, such as this.

The Supreme Court of the United States has recently exhibited a tyranny, by decision, hitherto unknown to that department of our Government, or to the American way of life; contrary to expressed intent legislation, desires of the Congress, and the expressed consideration of the House and the Senate decrees have been handed down, without precedent, without justification, legal, social, economic, or patriotic. Congress has been submerged, and its stature in our setup decimated by decree.

Now the people are being betrayed for it is they who are represented by the jurors. The people trust the jurors. It is in the judge's discretion to grant jury trial or not. The octopus of tyranny by means of the Federal judiciary or Federal decree must now be extended down the line to the Federal district court.

The House considered the legislation for months, the Senate for weeks. Now a majority of the members of the small Committee on Rules rewrites the legislation. This was never intended as constitutional, nor contemplated as right. Such abuse is characteristic of this legislation. Since its inception, it has been a vehicle designed for abuse of American freedom.

There are many who think this is aimed at the South. I believe now that it is aimed at the South only as a part of the Nation. This legislation is aimed at the core of our freedom and the rule to be debated today only emphasizes that fact. This legislation will not help race relations. It will destroy the progress of the last 20 years.

There are those who may have claimed some skepticism as to the fairness of trial by jury in civil-rights cases, but to them I cite the jury verdict in the Clinton, Tenn., case. That case erased, emphatically, any doubt as to the fairness of a jury, even in the South, in cases of this kind.

A dangerous and evil precedent is being set today. When future historians write of the great disasters to, and the great mistakes of, our form of democracy, they will list at the top the civil-rights bill of 1957. There may be some here who think they will be made heroes, but heroes generally have courage of their conviction. They may expect eulogies, but they do not deserve praise. They may have ambitions of fame, but history will judge them as political demagogs, tools of despots, and statesmen of no stature.

The President wants to claim that he did so much for the Negro race and if he wants to sacrifice his place in history for temporary popularity, then this is so. I tell you you are creating a hatred which will exist for decades. These are not hatreds which have existed in the Southland, but which have been engineered by subservient and greedy organizations. These are hatreds which exist North and East and in the Midwest from whence have come the recent race riots. Hatreds and smoldering malices will result in many difficulties in time to come. I tell you now that the South will live better under this legislation than the North. I tell you also that we southerners have

fought this legislation because we know what it will do to our country and our way of life. We are sincere.

We knew, and we know now, that this legislation was never designed to give anybody freedom, but designed to suppress and impress. We know that this legislation was not motivated by any sincere humanitarian desires, but inspired by cheap, shallow, and un-American political motives.

The Negro will not long be fooled, he is becoming educated, and year by year he is gaining status as an American citizen, and in only a few years he will recognize the sham so prevalent here today. He will not be fooled, but he will hate those who tried to fool him by this sort of token offering for his vote.

I accuse the administration of an utter lack of sincere desire to help any race, black or white, by this legislaiton.

This compromise does not contemplate the fact that in many areas of our country the courthouses are not equipped for both men and women. In many areas the hotels are not equipped, nor willing, to serve both races at the same table and both races realize the realities of this situation. In many areas of our country women have never served on juries. These facts are ignored by this compromise.

If this compromise is the proposal of the Attorney General and the President it is typical of their lack of understanding of American principles of freedom. I intend to vote against this legislation and to do all in my power to impede its passage.

The power play of the Supreme Court, in flexing its muscles as it does, spotlights the lack of administrative leadership on the part of the Executive. A strong Executive would never permit a bill such as this. The Attorney General should know its weaknesses, its horrors, its unconstitutionalities. As the Court construes this monstrosity in future years, its dominance over other branches of the Government will remain. The Congress is asking for it, the Executive neither understands, nor cares.

This is a Judiciary Committee bill. Where is the traditional committee leadership? Does this precedent mean that in the future the work of the committees may be undone by a single hour of debate?

What is the true intent? Is it to control future elections by coercion? Shall we continue to govern this country by consent of the electorate, or shall we coerce them into electing who a few power drunk politicians, in high places, may care to select?

We once experienced a great conflict as a result of sectional legislation, sectional differences. The scars of that tragedy are still in existence, despite the efforts of this generation to heal the wounds. Originally designed by some as sectional legislation, this now bears the thumbprint of planned tyranny over all the Nation. Surely we have learned the lesson of the past.

The world waits for us to struggle again. The Reds are happy in this bill, delight in the fires that it will kindle. The South is sad today, but the Nation, tomorrow, will mourn this ill-advised political legislation.

I hope the Senate will debate this bill at length. I hope it will filibuster till Christmas, if necessary. Would that the rules of the House of Representatives permitted us to explore and expose this demon.

Every vote against this rule, this bill, is a vote for freedom for America. I cast my vote for freedom.

Mrs. BLITCH. Mr. Speaker, in the 170 years that this Nation has been a republic, no action taken by the Congress of the United States, has sounded the death knell of the Constitution by which we are governed, than that which is being taken by the House and the Senate this week.

The week of August 26, 1957, will be observed by free men and women throughout this Nation, as a week of mourning, until the time comes again, when the people will have the courage, the fortitude, the daring to rise in revolution against the serfdom that will eventually bind them by laws that will inevitably follow the iniquitous legislation now under consideration.

One hour of debate! One hour of debate! Upon an issue that affects the life of every individual citizen in this country. Upon an issue that, when adopted, will break, perhaps irretrievably, the solid foundation of the States and the local governments within them.

Shame upon this Congress. Shame upon the press of this country. Shame upon every social institution in this country for not informing the people, for failing to arouse them to the danger that confronts them.

Shame upon the Supreme Court. Shame upon the executive department. In an age when millions have died to preserve freedom, the executive, the judiciary, the legislative branches of the United States are destroying it.

Those of you who bleed for Hungary's freedom fighters, and Poland's, and for those who are dying for freedom all over the world, and yet support this bill, I ask you, what can you say to those people, now that you are doing everything within your power to destroy freedom in the United States of America—the country to which all slave people have looked for inspiration. When freedom dies here, as it gradually will, once this bill has passed, hope will die in the hearts of millions. Russia will have gained her greatest victory in her battle to enslave the world.

Let me pause to pay tribute to those few individuals on the Judiciary Committee of the House who, without help by the agencies of public information in this country, did a magnificent holding job on this infamous legislation against a majority of that committee, who could only listen to the cries of the organized leftwing minority groups of this Nation—groups, who either have no conception of the principles of the Constitution, or are deliberately dedicated to its destruction. For months, they held this legislation in committee. God, Himself, only knows the price they paid in physical, mental, and spiritual exhaustion of their task.

And let me pay my earnest, heartfelt tribute to those two members of the Rules Committee, who have faced ridicule by the press, disrespect of many segments of our society, to fight to the last parallel the acceptance of this bitter cup.

And to those Members who are not on either of those committees, who have done all within their power to sustain them, the cause of freedom will be forever indebted. The names of all these valiant Members will be enshrined forever within the hearts of the generations yet to be born.

Mr. Speaker, I am opposed to this bill in every form we have had to consider it. Mr. Speaker, today, my heart is heavy, my soul is sick. I pray God that the people of this country will soon, oh, soon, be awakened to what has happened to them in this the 85th Congress, and that they will soon, oh, very soon, send a Congress back here dedicated to the preservation of our beloved country.

Mr. SELDEN. Mr. Speaker, while I expressed my opposition to the so-called civil-rights bill when it was considered by the House of Representatives earlier in the session. I cannot forgo this opportunity to again raise my voice in opposition to this dangerous and unnecessary force legislation.

Every possible effort has been made by the southern Members of both the House and the Senate to focus national attention on the dangers of this legislation. As a result, a number of constructive changes have been effected. The most important, perhaps, was the deletion in the Senate of part III of the original bill.

But despite these constructive changes the bill in its present form is still fraught with hazardous provisions. Part I still creates a Civil Rights Commission consisting of six appointive members. Not only will the Commission investigate alleged deprivations of voting rights but it will also "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution." This is indeed a broad field, for it covers the same area for "study" that part III would have covered for injunctive relief.

The power of subpena, given to the proposed Commission, is one that should be jealously guarded. Yet, under the terms of this legislation, the only required qualification for membership on the Commission is political. The phrase "equal protection of the laws" is so broad that it would cover every economic, political, and other activity carried on under State statutes and municipal ordinances which might result in denial of equal protection of the laws. The Commission need neither charge nor prove that an offense has been committed, since it would merely be studying the situation.

There still remains in the bill the penalty to be imposed for release or use in public, without the consent of the Commission, of testimony taken in executive session. As a result, the public may be fed only the information the Commission desires it to have.

No limitation has yet been placed upon the number of attorneys and other personnel who can be hired under part II of H. R. 6127 at an indeterminate expense to the taxpayers.

Part IV of the bill still allows the Attorney General of the United States to institute an action at public expense to prevent an anticipated injury to an individual. The anticipated injury may never occur nor is it even necessary for the individual to complain.

While the bill in its present form contains a jury trial provision, it is so worded that trial by jury will be granted only on rare occasions. At the same time, another amendment added by the Senate bars the States from specifying the qualifications for Federal jurors.

Under the terms of this measure, Mr. Speaker, it is quite obvious that the Federal Government is given the power to supervise the States in matters traditionally within the field of State authority. Yet, history teaches us that individual rights are protected by denying powers to government, not by increasing them.

Unfortunately for those of us who will be primarily affected by it, this measure has become a political issue and will be considered today on that basis rather than on its merits. Should either national party reap the political advantages it anticipates from the passage of this measure, it alone will gain. The American people cannot benefit from any legislation that may be used to harass, intimidate, and victimize them. Nor will the southern Negro benefit as the proponents of H. R. 6127 insist. Those of us who live in the South know that tremendous progress has been made by the Negro race throughout our section of this great Nation. We also know that this progress has been made with the help, cooperation, and good will of southern white people. To impair that good will by the passage of force legislation such as the measure before us today will be a disservice to the southern Negro.

I am opposed to this legislation in any form and trust that it will not be enacted into law.

Mr. MATTHEWS. Mr. Speaker, I believe that today we are facing Armageddon. If we pass this so-called civil rights bill we are at the point of no return. We are relinquishing the last vestige of States rights and are saying to the mythical Great White Father in Washington, "We expect you now to solve all of our problems including local law enforcement." That is the issue, Mr. Speaker. It is whether or not we are going to abdicate the last vestige of our local governments in favor of an overpowering central government far removed from our firesides and from the will of the people that we represent.

I have been very mortified to read in the newspapers during the discussion on the so-called civil rights bill in the other body the sentiment that many new dangers of the bill were presented by the other body for the first time. The implication was that here in the House we were asleep at the switch and did not point out to the American people all of the dangers of their constitutional rights in this iniquitous bill. I deny this implication. For weeks we in the House—before the Committee on Judiciary, before the Rules Committee and here on the floor of the House in debate—pointed out all of the evils in this legislation to the American people. Yet despite our logical pleas, we knew at the beginning we were defeated because certain elements in both of our great political parties had determined that this year it was necessary to pass some kind of legislation such as we are considering today in order to get a few hundred thousand minority votes in certain of our great city areas. I have had old wounds reopened the past few days as I have witnessed the spectacle of representatives of both our parties flitting in and out claiming credit for this proposed legislation and striving above everything else to get those votes which they think will turn the election next year for their particular party. I should like to make this prediction: There will be no political gain from this legislation—new wounds will be opened, new problems will be presented and in the final analysis both parties and America will lose.

Why am I opposed to this legislation? Even with the "bargain basement" jury-trial amendment, the legislation contains all of the evils that I have pointed out before in the debate on this measure.

This bill, if it were passed—and I have no doubts that it will pass—will take away from our local courts and juries the adjudication of certain laws that they have been administering for decades. This measure says to the people of Florida, the great State that I represent, "We have no confidence in your courts. We have no confidence in your juries." It not only makes this statement to the people of Florida, it makes the same statement to the citizens of every one of the sovereign States. This measure, if passed, will enable an aggrieved person who feels that his voting rights have been denied to bypass the particular State in which the supposed violation takes place and go to the Attorney General of the United States for relief. The Attorney General will be able to proceed and a Federal judge can, if in his opinion voting rights are denied, grant an injunction. This injunction can be enforced by jail sentence and by fine if the so-called violation is in either civil or criminal contempt. I have been somewhat amazed at the fine distinctions that legal minds have drawn between these two procedures. In either procedure, Mr. Speaker, a Federal judge can put a citizen of Florida in jail and I do not imagine if that citizen finds himself in jail he is particularly concerned about the fine points of distinction between civil and criminal contempt and he is not too concerned about the "bargain basement" jury-trial opportunity that this legislation provides.

In my State of Florida, if a citizen is denied his voting rights, it is my earnest and sincere belief that he has adequate local administrative remedies to grant him these constitutional rights. I challenge anyone to indicate an instance in Florida where these violations of rights have been appealed to our State administrative authorities and a hearing has been denied. Just recently in Hamilton County which is in my district, the press carried distorted facts about the persecution of one of our Negro citizens. The Governor of the State immediately asked for an investigation and that investigation was forthcoming. In just a matter of hours it was pointed out that no such persecution existed, that there was no cause absolutely for the distorted press reports. This incident confirmed my opinion, that in my own State we have adequate State administrative remedies to take care of any violation of voting rights and other civil rights.

This bill, if passed, will make of the Attorney General of the United States a veritable gestapo agent and I can predict that at least once every 4 years there will be a great amount of activity on the part of the Attorney General and the special division in the Attorney General's office which will be assigned to prosecute cases under the terms of this bill.

Under the terms of this measure the so-called commission to explore this field of civil rights can still make a citizen, who has been charged with violating civil rights, go at his own expense at considerable distance to shadow-box with the prosecution.

I will not go more into detail about this so-called civil-rights legislation because, as I have indicated before, nothing that can be said will change the vote. Both political parties have agreed that something just must be done in order to get those precious votes. What a price to pay for a shallow victory. I will vote against this measure and I would vote against it if my voice were the only one raised in protest. My opposition to it has been based on the Jeffersonian theory of States rights, based on the 10th amendment, a theory of constitutional government that I hold as sacred as any other part of the Constitution. I trust that all of my colleagues who have similar convictions will hold steadfast to these convictions even though we go down to defeat. I have no ambition as a Member of Congress but to do that which I think is right. I will not compromise on this legislation which, in my opinion, is evil in intent and is aimed primarily at the great section of the country that I represent. In conclusion, I would like to present an editorial by the eminent columnist David Lawrence, which appeared in the August 26, 1957, issue of the Washington Evening Star:

AMERICA'S "WEEK OF INFAMY"—LABEL APPLIED AS CONGRESS IS SEEN APPROACHING CIVIL-RIGHTS PASSAGE

(By David Lawrence)

This may turn out to be the week that future historians will call "The Week of Infamy" in American history. For this is the week in which an intolerant majority in Congress is to take away one of the most important rights given to the States by the Constitution.

In fact, the Federal Government now is to become the policeman authorized by a law—in disregard of the Constitution—to arrest and put in jail not only those local officials of the States who seek to obey the voting procedures as set forth in their State laws but those individuals who allegedly influence improperly the votes of other persons.

Nearly 20 years ago the late William E. Borah, of Idaho, a great progressive and

perhaps the greatest of the liberals of this century—a man who first achieved fame as a lawyer for organized labor and who recently was named as one of the 15 deserving honorable mention for the Hall of Fame of the United States Senate—made a historic speech when the same basic principle now at stake in civil rights legislation was up for debate in connection with an antilynching bill. He said to the Senate:

"I make no contention but that the 14th amendment has forever placed it beyond the power of any State to deny any person the equal protection of the laws, or to deprive any person of life, liberty, or property without due process. I recognize also that the State acts and speaks through its officers, legislative, judicial, and executive. I am not going to take refuge in technicalities, but I contend for what I believe to be a fundamental principle, and that is that while you may call a State thus acting and thus speaking to account, you cannot take jurisdiction over or deal with acts and deeds not done by the authority and by the direction of the State. It must at all times be State action.

"You cannot deal with acts under the 14th amendment not done by and under the direction of the State. The dereliction of an officer in violation of the laws of the State in disregard of the sworn duty exacted of him by the State, and subject to punishment by the laws of the State, cannot by any possible construction, either in law or in conscience, be the act of the State.

"To establish any such principle would be to undermine and break down the integrity of every State in the Union. If a State may not be entrusted exclusively with the authority and relied upon to exercise the authority to punish those who violate its own laws, public or private persons, then there is no such thing as local government, because the State is deprived of the very instrumentality by which it maintains State integrity."

The new civil-rights legislation is aimed at local officials who in spite of State laws which say to them that they must not discriminate nevertheless are alleged to be denying Negroes the vote. It is aimed also at any individual who exercises any influence that can be described by the words "intimidate, threaten, coerce," or "attempts to coerce," in voting.

But who is to say that in the many heated discussions between individuals during modern campaigns, the influence actively exerted by precinct workers for labor unions or by employers or by committees formed by other groups, including church organizations, is not an attempt sometimes to coerce by causing a person to vote for one candidate as against another?

For now the Federal Government through a special division in the Department of Justice, created by the proposed law, can move in and investigate the political organizations in New York, the acts of its workers on election day, or the activities—prior to as well as after an election—carried on by any political bosses or organizations in Chicago or Detroit or any of the other big cities throughout the country. These have always been obligations of State law enforcement.

What the new civil rights bill amounts to is a Federal license to penetrate any local political organizations to determine whether or not it is keeping within the bounds set by the party in power in Washington or by the Federal judges who, without a jury trial, can inflict a 45-day jail penalty for coercion. There is to be no assurance either, of a jury trial. Only if the penalty given at the trial by the judge is beyond 45 days imprisonment or the fine greater than $300 is a jury trial to be required when a defendant requests it. No citizen will want the stigma of a conviction—with even a 1-day penalty—to be put on his record as a citizen. So the threat to punish unless the Federal policeman is obeyed will probably be effective.

Thus are rights of the States taken away under color of law which really means under the totalitarian doctrine that "the end justifies the means." It's a sad chapter in American history—a turn back to the tragic years of the reconstruction era and to the reactionary concept that an intolerant majority can at any time ignore the constitutional rights of the States.

Mr. POFF. Mr. Speaker, for proper deliberation on the rule under debate, it is important to have in mind the amendments to the House-passed bill adopted in the other body. While those amendments as numbered in the bill before us total 16, they actually constitute only 8 substantive changes. Those eight changes:

First. Allowed the $12 per diem subsistence in lieu of actual expenses only when members of the Commission are away from their usual place of residence;

Second. Required interim and final reports of the Commission to be submitted to Congress as well as to the President;

Third. Provided that the staff director for the Commission would be appointed by the President subject to Senate confirmation and set his maximum salary at $22,500;

Fourth. Commanded the Commission not to use the services of voluntary or uncompensated personnel;

Fifth. Authorized the Commission to constitute advisory committees within States composed of citizens of that State;

Sixth. Struck out part III which authorized the Attorney General, in the name of the United States, to obtain injunctions to prevent the violation of all civil rights embraced in section 1980 of the Revised Statutes (42 U. S. C. 1985) and under which a jury trial in criminal contempt proceedings was denied;

Seventh. Repealed section 1989 of the Revised Statutes (42 U. S. C. 1993) which authorized the President to employ the land and naval forces of the United States to enforce judicial decrees in civil-rights cases; and

Eighth. Added a new section, part V, which (A) amends title 18, United States Code, section 402, and provides, First, that willful disobedience or obstruction of a judicial decree shall be punished as a criminal contempt; Second, that the penalty for criminal contempt shall, in the case of a natural person, be limited to a $1,000 fine and a 6-months jail sentence; and Third, that this section shall not apply (a) to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, (b) to contempts committed by officers of the court, or (c) to civil contempt proceedings to secure compliance with or to prevent obstruction of judicial decrees; (B) amends title 18, United States Code, section 3691, and provides a jury trial in all criminal contempt proceedings, with the same exceptions noted above; and (C) amends title 28, United States Code, section 1861, concerning qualification of Federal jurors by repealing the subparagraph that requires a juror to be qualified under State law.

With certain minor exceptions, these amendments were entirely salutary and represent a distinct improvement in the bill that passed the House. However, the bill as amended still is unacceptable. It is unacceptable to those who are jealous of the prerogatives of Congress and those who oppose the delegation of constitutional authority and responsibility to an appointed commission; if civil-rights are in fact being deprived, and if this deprivation justifies investigation for purposes of new legislation, then the legislative committees of the Congress, which are constituted by the elected representatives of the people and are fully staffed and equipped, should conduct that investigation under constitutional processes. The bill is unacceptable to those who favor the current rule of law that an aggrieved party has no standing in the Federal courts until he has first exhausted his remedies in the State courts; the amendment to guarantee the continuance of that rule was defeated, both in the House and in the other body. The bill is also unacceptable to those who are truly interested in economy; throughout several weeks' debate in both Houses of Congress, no one yet has attempted to estimate with any degree of accuracy or finality the cost of financing the work of this 2-year commission or the cost of the new Civil Rights Branch in the Department of Justice, headed by a new Assistant Attorney General with an indeterminate number of legal assistants, secretaries, and technical staff. And finally it is unacceptable to all of us who earnestly and conscientiously feel that any effort on the part of the Federal Government to project its unwelcome nose further into the field of race relations can only inflame the passions and incite the ill will of the people of both races and thereby retard the peaceful, evolutionary, and voluntary solution of this vexing problem.

The two major improvements adopted in the other body were the removal of part III, which extended the extraordinary injunction and contempt process to the entire civil-rights conspiracy statute—title 42, United States Code, section 1985—and the addition of part V which itself makes two significant changes in existing law. First, it defines and clarifies the distinction between criminal contempt and civil contempt. Second, it repeals the proviso in the criminal-contempt statute which denies jury trials when the United States is a party to the proceedings and guarantees jury trials in all criminal-contempt proceedings.

Admittedly, this jury-trial amendment is broader than the one offered in the House on the motion to recommit. The House amendment, which was limited to criminal contempt, applied only to civil-rights injunctions authorized in part III and part IV. As I said, the other body struck out the new civil-rights injunction authority in part III, but in part V applied the jury-trial guaranty not only to criminal contempts under part IV but to criminal contempts in every Federal injunction proceeding, including those in labor litigation.

For my part, I accept the broader amendment, even though it is defective in some particulars, as a reaffirmation

of congressional faith in the jury-trial principle in criminal proceedings. There have been, from otherwise responsible sources, some rather irresponsible charges that the broader amendment would wreck the Federal judicial system. How irresponsible that statement is becomes apparent when you realize that in fiscal year 1957, all of the 243 Federal judges sitting in the 87 district courts tried only 69 criminal contempt cases. Of this number, 26 involved contempt of Congress and were tried by a jury. Only 43 were tried by the judge without a jury. It is sheer nonsense to say that the entire judicial system would have been wrecked if the defendants in those 43 cases had been accorded the right of a jury trial, especially when the judicial system customarily tries over 25,000 other criminal cases a year by a jury.

Those who oppose the broader jury-trial amendment also argue that it will weaken the Government's hand in prosecuting contempts of antitrust injunctions, in which corporations rather than individuals usually are the defendants. The answer to that argument is threefold. First, the amendment carefully preserves the power of the judge to enforce his order by civil contempt proceedings without a jury. Second, the $1,000 fine limit for criminal contempt applies only to natural persons and not to corporations. Third, since 1953 there have been only 9 contempt proceedings in antitrust cases; only 6 of these involved criminal contempt, and 7 of the 9 were disposed of by consent decrees.

Mr. Speaker, after the other body had passed the bill, the gentleman from New York [Mr. CELLER] offered a substitute for part V, restricting its application to jury trials in criminal contempt proceedings arising out of voting cases. The Celler jury-trial amendment was substantially the same as the jury-trial amendment rejected in the House. I cannot help but be gratified by the wondrous transformation that took place in the distinguished gentleman from New York [Mr. CELLER]. During the 2 weeks the House debated this bill, he stoutly maintained that the jury-trial amendment would emasculate the bill, and any argument to the contrary fell on polite but deaf ears. Not even a compromise limiting the amendment to criminal contempt moved him to an armistice. But what he then condemned with such consummate skill he later embraced with a feverish fervor. I am not prepared to believe that his transformation was fashioned by base legislative expediency, much less by pragmatic politics. Rather, I am persuaded to believe that his change of mind was also a change of heart and that he has finally decided that the American people, including southerners, can after all be trusted faithfully to honor their oaths and discharge their duties as jurors. So let there be no carping criticism of inconsistency. Instead, let there be pure praise for the fearless flexibility and the intellectual integrity of the mind that can change itself.

When it became apparent that the Celler substitute was unacceptable to the no-jury trial advocates, the gentleman from Massachusetts [Mr. MARTIN] suggested what the press described as an offer of compromise. The Martin amendment was not an offer of compromise but a demand for unconditional surrender. Instead of guaranteeing a jury trial it would have guaranteed that there would be no jury trial in most contempt cases. It would have required the court to prejudge the gravity of the offense. The defendant would have been entitled to a jury trial only if the judge decided, prior to trial, that the gravity of the offense was sufficient to invoke a penalty in excess of a $300 fine and a 90-day jail sentence. Thus, the judge's order for a jury trial would have been tantamount to a judicial instruction to the jury to find the defendant guilty and to impose a greater penalty than the judge himself was authorized to impose. Under such a statute, a defendant would be foolish ever to apply for a jury trial.

Then came the compromise advanced by the same people who were given substantial credit for enactment of the jury-trial amendment in the other body. I suppose they will also be accorded credit for the compromise now before us. If credit is due, they are welcome to it, because any credit forthcoming will come from the no-jury-trial advocates to whom the compromisers have capitulated. The compromise empowers the judge alone to try every contempt in voting injunction proceedings, both civil and criminal. Only after the judge has cited a man for contempt, tried him without a jury, found him guilty, and sentenced him to a penalty in excess of a $300 fine or 45 days in jail will that man have the right to demand a jury. What kind of right is that? What chance would he have for acquittal before a jury after the judge had already convicted and sentenced him? With the shadow of the conviction at his back would he dare risk another trial in which the penalty might be increased to a $1,000 fine or a 6-month jail term? Insofar as appears in the bill, the same judge who had convicted him would be sitting on the bench during the jury trial. Accordingly, the only right this compromise affords the defendant is the right to petition for voluntary exposure to double jeopardy.

I, for one, will have no part in such a compromise. I will not be a party to a conspiracy to fool the people. I will not participate in the perpetration of this hoax. When we talk about jail terms we are talking about personal liberty. If, as I believe, the jury trial is an indispensible safeguard to personal liberty, then it is so without regard to the length of the jail sentence. Liberty is no less precious when measured by a 45-day yardstick than when measured by a 6-month yardstick.

Mr. McCARTHY. Mr. Speaker, I favor the adoption of the bill passed yesterday by the Senate, and proposed here in the Celler amendment rather than legislation being presented here today by the House Judiciary Committee. The principal justification for the passage of the Senate bill is, as was stated by Senator O'MAHONEY in the Senate debate, the need to eliminate the confusion evident in lower court interpretations of the Supreme Court decision in the Jencks case.

If the record of the Justice Department were such as to deserve confidence, the more far-reaching provisions of the committee bill might be accepted, on the assumption that the bill would be prudently administered. Unfortunately, the record of that Department is not such as to warrant confidence. There is no good reason for hasty action, in any case. Recent court decisions, in the lower courts, as has been pointed out here today, indicate that the judges in these courts are interpreting the Supreme Court decisions more closely in harmony with what I believe was the intent of the Supreme Court, and certainly more closely in harmony with the interpretation and clarification which the Congress seeks to clarify.

Mr. VORYS. Mr. Speaker, we are all being very quiet as to the real reason the majority in this House who oppose jury trials in civil-rights injunction cases are voting for this unusual compromise resolution from the Rules Committee. The real reason is that we fear another southern filibuster if this bill is sent to conference in the usual way. Earlier this year we approved the unsatisfactory Senate amendments to the Middle East bill for a similar reason—because we feared a filibuster in the other body on a conference report, when speedy action was imperative.

Thus, twice this year the threat involved in unlimited debate elsewhere has inflicted absentee minority rule on the House. Cloture in the other body is a necessity for prompt, efficient work in the House, too. Cloture, the limitation of filibusters, is important unfinished business for Congress.

The compromise offered today is far better than the Senate bill. The jury-trial provision is limited to cases involving voting rights, and limited to serious cases of criminal contempt, involving punishment for past violations of orders. Furthermore, when a jury trial is demanded, the accused runs the risk of a larger fine and longer imprisonment than when tried by the judge alone. The power of the courts to secure compliance with or prevent obstruction of its injunctions without a jury is retained.

The changes in the law preventing racial discrimination in the selection of juries is a step in advance in civil rights.

Throughout the long debate on this legislation the real purpose, to prevent the denial of voting rights guaranteed by the Constitution, has been lost sight of time and again. Instead, much of the debate has sounded as if there were an implied civil right of southerners to defy Federal injunctions. If that is the attitude when this bill becomes law and the courts undertake enforcement of voting rights, we may need additional legislation. I hope, however, that this first civil-rights law in 87 years becomes an historic landmark because our southern friends decide that the Constitution should mean what it says, and that lawful orders of our courts should be obeyed, and not obstructed or violated.

With such hopes, and because this is the most that can be accomplished now, I am voting for this resolution amending the Senate bill.

Mr. ENGLE. Mr. Speaker, we are now in a time of stern testing, when the measure of our adherence to the ideals of human rights and democratic equality will determine our place in an atomic world, a world which will hold together only if men now live up to the best that is in them.

Peoples the world over are looking to our country, watching us as we struggle to live up to the proposition on which our Nation is founded: that all men are created equal—equal before the law, enjoying the same political rights, and deserving of equal opportunities for education, for economic advancement, and for decent living conditions.

In this critical time, no smokescreen of political oratory should be allowed to obscure the historic progress that will be made in this session of Congress—the passage of the first major civil-rights legislation since Reconstruction days.

In passing this year's civil-rights bill, the Congress will assert that it is now the national policy of the United States that the Federal Government must take the initiative in securing and protecting the Negro's constitutional right to vote.

This is indeed a major step forward, and one that was achieved despite—rather than because of—the desperate efforts of the Republican Party to make the legitimate demands of our Negro citizens into a political football for the 1958 and 1960 campaigns.

After the Senate passed its civil-rights bill, guaranteeing this right to vote, Republican Congressional captains delayed passage of civil-rights legislation for weeks while they tried to sell the American people on an all-or-nothing knockdown drag-out struggle for a stronger civil-rights bill than the Senate had passed.

Republicans in the House said no bill would be preferable to the Senate bill. Dwight Eisenhower threatened to veto civil-rights legislation unless the Senate bill was modified. Statement followed statement, all aimed to the grandstand, none directed toward the real goal of guaranteeing the Negro citizen his fundamental constitutional rights. By preventing passage of any civil-rights bill at all, Republicans hoped they would be able to get the most mileage possible out of the civil rights as an issue.

Only the outraged protests of sincere fighters for the rights of the Negro foiled this strategy. The present civil-rights bill is far weaker than I would have liked. But despite what Republican leaders have been trying to sell to the American people, it is certainly far better than no civil-rights bill at all.

In threatening to block passage of any civil-rights bill at all, until they got the exact bill they wanted, the Republicans reminded one of my Congressional colleagues—Congressman FRANK THOMPSON, of New Jersey—of A. A. Milne's famous story about Winnie-the-Pooh and Tigger.

It seems that the middle of one night, Winnie-the-Pooh was awakened by a brandnew arrival to the forest—Tigger. When breakfast time came, Pooh, hospitable, asked Tigger what he would like for breakfast. Tigger assured Pooh that Tiggers love to eat anything. Pooh gave Tigger a taste of honey and Tigger explained that Tiggers love everything but honey. Piglet tried to feed Tigger haycorns; and Eeyore tried to feed him thistles. Every time Tigger protested, "Tiggers love everything but honey or haycorns or thistles." This prompted Pooh to compose a lovely little poem:

What shall we do about poor little Tigger?
If he never eats nothing he'll never get bigger.
He doesn't like honey and haycorns and thistles
Because of the taste and because of the bristles.
And all of the good things which an animal likes
Have the wrong sort of swallow or too many spikes.

The Republicans are crying long and loud to the grandstand about the so-called democratic weakening of civil-rights legislation. I wonder, though, whether the Republicans are not just using "tigger-trouble" to try to hide from the American people the real reasons why this year's civil-rights bill fails to guarantee to the Negroes certain fundamental protections which I—and most other Democrats—fought to have included in the bill.

I wonder what kind of bill could have met Dwight Eisenhower's liking. And I wonder how Dwight Eisenhower could have had the nerve to threaten to veto our final civil-rights bill because it does not meet his specifications—when all year long no one has been able to figure out what his specifications are.

Let us look at the record on civil rights since January 1957. We could look back before 1957, to when the Republicans and Eisenhower failed to support the Democratic efforts for anti-lynch legislation, anti-poll-tax legislation, and Federal employment practices legislation during the years 1953 to 1956. We could look at how the majority of Congressional Republicans, in civil-rights votes in recent years, have opposed civil-rights legislation. But let us just look back as far as 1957.

A key section of the civil rights legislation which the House of Representatives passed in June of this year provided that the Federal Government could secure civil injunctions to prevent anyone from interfering with any of the civil rights guaranteed by law to the Negro people.

Section III—as this provision was known—guaranteed to the Negro people their fundamental right to equal protection of all our laws. Not just the right to vote, but the right to equal education, to equal transportation, to equal opportunities for employment and decent living conditions.

Liberals in the House believed strongly then, as we do now, that section III was an essential part of a good civil-rights bill. That it is not enough merely to guarantee the Negro's right to vote. That Negroes deserve the right to equal protection of all the laws of our country. We fought to keep section III in the civil-rights bill, and we were successful in that fight.

In July the Senate began debate on our civil-rights bill. As was expected, southern Senators took the floor to denounce our bill—and especially section III—as a return to Reconstruction days. They painted gory pictures of the enforced intermingling of little children at the point of Federal bayonets. Do you want to send Federal troops into the South to enforce school integration, they asked?

Southern opposition to our civil-rights bill was expected. What was not expected was that the southerners would be supported by Dwight Eisenhower.

On July 4 of this year—less than 6 months after he had originally offered a civil-rights program including section III to the Congress—Eisenhower admitted that he had not read his bill. Furthermore, he told a press conference, he was not sure what provisions it included, and he certainly was opposed to the horrible things the southerners said were in it. He refused to give a specific endorsement of section III because, and I am quoting directly from the transcript of his press conference, because, "Well, I would not want to answer this in detail, because I was reading part of the bill this morning and I—there were certain phrases I didn't completely understand. So before I make any more remarks on that I would want to talk to the Attorney General and see exactly what they do mean."

No one knows just what the Attorney General told the President. The Attorney General himself has been conspicuous during the civil-rights fight mostly by his silence—and by his absence from the country during the crucial weeks in July and August when the Senate was voting on the key section III and jury-trial provisions.

All during July civil-rights advocates fought—vainly—to get the President to support his own civil-rights program. On the night before the Senate began voting on the bill, White House mimeograph machines finally cranked out a strong statement in support of the whole bill—including section III. Ike's name was signed to this statement.

But the next morning at his press conference, Ike sidestepped a question on whether he would back section III. When he was asked whether he was in favor of permitting the Attorney General to bring court actions to enforce school integration in the South, Ike answered, "Well, no."

"Well, no" sounded like the Eisenhower who in 1956 said he did not think it made any difference whether or not he issued a statement favoring school integration. "Well, no" sounded like the Eisenhower who in February of this year refused to go into the South to speak about desegregation because he was "too busy," but one day later climbed onto an airplane and flew to Georgia for a 10-day hunting trip. "Well, no" sounded like the Eisenhower who waited for 3½ years in the White House before presenting any civil-rights program at all to the Congress.

"Well, no" sounded like all the Eisenhowers we know so well. But it did not sound like the stanch champion of civil rights that Ike's mimeograph machines and high-paid press agents are trying to paint in the public eye.

Who sold out the Negroes on enforcement of school integration? The Republicans can say all they like, but I think the record is clear. Dwight Eisenhower himself was almost solely responsible for the defeat of section III, when the Senate voted on the civil-rights bill.

I say also that Dwight Eisenhower is responsible for the inclusion of the jury-trial amendment in this year's civil rights bill.

Let us look at what he has had to say over the past months on the subject of whether the civil rights should include a provision allowing violators of civil rights injunctions to be tried by a jury.

On March 7, 1957, Ike said he did not—and I quote—"really know enough about it to discuss it well." Two weeks later he was saying, "I haven't discussed it with the Attorney General. He hasn't told me yet whether that would be a crippling or disabling amendment." Three months later, in July, Ike still had not even read the bill.

Not until July 31—almost 2 weeks after the Senate had started debating the civil rights program—did Eisenhower finally come out strong against jury trials for violators of civil rights injunctions.

And then 3 days later, on August 2, he had the colossal nerve to indicate to the newspapers that he would rather have no civil rights bill at all than accept one which provided jury trials in cases of criminal contempt of court.

That is the kind of leadership which advocates of civil rights have been receiving from the White House. And yet the Republicans are trying to make political capital out of the charge that Democrats weakened civil rights legislation.

The real tragedy is that, with all the partisan furor that the Republicans have been arousing over the weakening of the bill, some very real accomplishments are being overlooked. In saying that no bill is better than the present bill, Republicans are denying real steps that have been taken in the struggle to insure Negroes their rights as citizens.

The measure we will pass today provides many things:

A Federal Civil Rights Commission which has subpena powers to investigate racial discrimination and seek remedies for this.

A special Civil Rights Division in the Justice Department to be headed by a special Assistant Attorney General for Civil Rights.

Affirmation of the right of an individual citizen to go to court to get an injunction to protect his voting right.

Authorization of Federal prosecutors to obtain injunctions against interference with voting rights.

Power for Federal judges to punish offenders in voting-right cases for contempt of court.

Guaranty of the privilege of jury trial in all criminal contempt cases where the punishment exceeds $300 fine or 45 days in jail.

As you can see, this bill allows us to make huge steps in the direction we must take. But we all know that through legislation all we can do is provide machinery. We cannot insure that the Eisenhower administration will use this machinery, any more than it has used other machinery already in existence.

Just how well the Commission and the new Assistant Attorney General will contribute to the real advancement of our Negro citizens' rights will depend on the individual that the President appoints to the Commission and to the post of Assistant Attorney General for Civil Rights.

The Commission can make substantial gains if it is made up of persons who accept the basic proposition that all Americans are entitled to equal treatment under the law. The Commission will be worse than useless if the President follows his usual wishy-washy policy of appointing a balanced group—including as many persons opposed to the enforcement of civil rights as are in favor of civil rights—or, and this is atypical, including only objective persons with no strong opinions either way in the field. The Commission will be worse than useless, also, if the Republicans continue to be more interested in political gains than in real protection for the rights of the Negro—if the Commission is stacked with partisan politicians who will make of it a political forum aimed toward providing partisan ammunition for the 1958 and 1960 elections.

The many sincere advocates of civil rights in the Congress and in the country can be cautiously hopeful that in this year, 1957, we have taken a major step forward in our lasting struggle to guarantee that rights afforded to our citizens by our Constitution shall be enforced.

The current legislation may help us to take a small step forward in a long struggle—a struggle that is far from won. I pledge now, however, as I have before, that I will recognize that we have gone only a small way toward our goal—and that I will continue to fight as I always have to eradicate all discrimination based on race, religion, or nationality, wherever it may occur in our country.

Mr. VANIK. Mr. Speaker, like many Members of the House, I take a position of support on this civil rights bill, because it appears to be the only legislative possibility for civil rights legislation in this session of Congress.

It was my feeling that as it originally passed the House, the civil rights bill represented a prefabricated compromise on the issue, falling far short of the need but constituting a realistic approach. This bill reached House consideration only under the pressure of the discharge petition process. It was not strengthened by the amendments which it has suffered along the way.

The amendments forced upon the House today providing that the trial of cases of criminal contempt stemming from the violation of court orders could be tried by a judge with or without a jury in the discretion of the judge is novel. The second amendment providing the accused with a new trial if the judge fined him more than $300 or sentenced him to jail for more than 45 days is indeed an extraordinary admixture of judicial procedures. It is certainly unique in our system of jurisprudence for a defendant to be guaranteed two trials for a wrongdoing, one by a judge and one by a jury.

It is strangely coincidental that the beneficiaries of two trials will be those defendants who have made the more grievous transgression upon the civil rights of others and who thereby receive the higher penalty which affords them the right to two trials. It is a strange direction for American jurisprudence to take, allowing double trials to drastic offenders. The legislation is full of doubts and uncertainties, and it will undoubtedly take new legislation and the accumulation of judicial decisions to rescue this legislation from the judicial wilderness in which it is now placed.

The significant fact is that for the first time in 82 years the Congress of the United States has placed itself on record in support of the civil rights of its citizens. The test of this legislation will not be in the indictments that are returned under it or in the convictions which it may produce. The test will be made in the precincts, the polling places of America, and the communities of our Nation. It is to be hoped that the mandate of this legislation will fix itself clearly in the mind of every citizen to the end that he will not impair or interfere with the voting rights or civil liberties of his fellow man.

If the spirit of this legislation is wholeheartedly accepted by the American people everywhere, no further legislation may be required. Our hope is that true tolerance will become habit and custom throughout the American scene.

Mr. ASHMORE. Mr. Speaker, my remarks on this vital question today must of necessity be brief since very little time is available for discussion. This so-called compromise to the civil rights bill comes before us under most unusual circumstances. It would materially change and alter the provisions of the bill if passed by both House and Senate, yet the amendment that we are now about to act upon has never been studied by the Judiciary Committee of the House nor the Judiciary Committee of the Senate. No hearings have been held on this amendment at any time whatsoever, but the proponents of this legislation are so anxious and determined to have some sort of civil-rights legislation during this session of Congress that they are willing to railroad this bill through Congress and adopt a broad and far-reaching amendment of this type without sending it through the regular course of legislative procedure.

Of course, many of us understand why this bill is a must in the minds of the leadership of both the Democratic and Republican Parties. Its passage is being demanded by both parties simply because each party is bidding for the minority vote in this country. As far as I am concerned the vote of no group, large or small, is worth the price that some people are willing to pay for this civil rights bill. I have no objections to the Negro citizens of this country voting. All qualified electors under the respective laws of their States should be permitted to vote, but that does not mean that I am in favor of the Federal Government taking over the election laws of the various States of this union. If this legislation is

passed the Federal Government will ultimately take complete control of our State election laws and, moreover, Federal authorities will likewise take over the local law-enforcement agencies of our States and local communities. One step naturally follows the other. In other words, this bill is leading this Nation straight down the road of more and stronger centralized Federal Government. I am opposed to any such action because I believe if we do not turn back from the direction whence we are traveling, we will within the lifetime of many men sitting here today have a socialistic form of Government in this land. The only way to maintain and preserve a democracy, and thus prevent socialism or autocracy, is to keep our Government in the hands of the people. We are here and now on the verge of taking from the States, and thus the people, some of their fundamental, basic, and vital constitutional rights and privileges. Because this so-called civil rights bill is a direct attack upon State and local government.

At least one of the speakers who preceded me stated that the passage of this legislation would be a bright new day in America. I disagree with that statement completely. I admit that it will be a new day when this legislation becomes law, but it will not be a day of enlightenment and sunshine—on the contrary it will be a day of fog and darkness. It will not be a day of tolerance and good will, but it will be a day of intolerance and shame. The majority are intolerant today in their efforts and desires to obtain a political advantage, that is, the vote of the minority. The majority are unwise and intolerant in every case where they take from the States and the people any of their constitutional rights. That is what will be done when this bill becomes law.

One of the things that disturbs me most about this legislation is the fact that so many Members are not going to vote according to their conscientious convictions. Several friends of mine in the House have told me on more than one occasion that, "The South is right in this fight and I wish that I could vote with you, but I can't do it because I have such a large minority vote in my district." Some would go further and say, "I hope you win but I am compelled to vote the other way." What a dangerous condition we are in when Members of Congress are afraid to vote their convictions. Of course I am disturbed. Indeed, I fear what the future condition of our Government will be. I only wish that we could vote on this bill by a secret ballot. If we could do so I am positive there would not be 100 votes for passage.

Mr. Speaker, I hope the Members recognize the inherent dangers of legislation based primarily on political expediency. That danger is what I am trying to point out to you now. No law should ever be passed by any legislative body for the purpose of gaining political expediency.

Yes, Mr. Speaker, this is a new day in legislative history because we are about to give life to a new civil-rights law, but again I say it is not a bright day, it is a sad day. To paraphrase David Lawrence in his news column of yesterday, I say it is a "day of infamy." This great and wise American author has been warning the American people, including the Members of this House, against the passage of this type legislation since the first bills were introduced early in 1956. He is not a hotheaded rebel; he is not an ultraconservative; he is not just another southerner who opposes everything liberal and progressive; but on the contrary, he is a stanch defender of President Eisenhower and the Republican Party when he thinks they are right, and likewise he is a defender of the Democratic Party when it is right; but basically he believes in constitutional government, States rights and local self-government. In defending these democratic precepts of government he has found it necessary to attack the principles involved in the so-called new day civil-rights proposals. Yesterday in speaking his fears anew Mr. Lawrence said: "This may turn out to be the week that future historians will call the week of infamy in American history. For this is the week in which an intolerent majority in Congress is to take away one of the most important rights given to the States by the Constitution."

I conclude my remarks with the final sentence of his editorial. "It is a sad chapter in American history—a turnback to the tragic years of the Reconstruction Era and to the reactionary concept that an intolerant majority can at any time ignore the constitutional rights of the States."

Mr. HAYS of Arkansas. Mr. Speaker, in spite of the admirable motivation which has produced this resolution, it does not in my judgment meet the requirements of regional harmony and justice. The bill which was passed by the Senate, while not considered necessary by many of us, who by reason of proximity are familiar with conditions in the South, did guarantee jury trials in cases of criminal contempt and generally presented a program under which the races could cooperate for mutual progress. I expected to vote for this modified proposal provided it were limited to voting rights and distinguished carefully between civil and criminal contempt. My reasons for this are that it would give recognition to the aspirations of the minority group, and, second, would enable the regions of our country to work in harmony and brotherhood toward the common goals of our national community, still preserving local determination but recognizing the need for acceptance of minimum standards of justice.

I am deeply disappointed that the House was not given an opportunity to vote on the Senate proposal, and to some extent I fear this is due to our failure in the South to accept the fact of great national pressure for some action in this field. This position apparently encouraged the extremists at the other end of the spectrum to push for even harsher measures to force the South to capitulate completely to the will of the rest of the country. The stalemate which threatened could only do violence to the constitutional processes of government and respect for the rule of law. Both major political parties were threatened with internal cleavages of such a major sort that the splits might never be healed. The leaders of the House and Senate are, therefore, to be highly commended for their efforts to compose the existing differences and relieve this explosive situation.

I believe, however, that the bill now before us has gone beyond the need for harmony. What was achieved was not a compromise between regions, such as I had striven for with my Arkansas plan since 1949, a compromise reluctantly supported by some of my Congressional colleagues at that time as meeting the two criteria I have outlined, but rather an acceptance of language found suitable to a majority of the members of the Democratic and Republican Parties. Thus the new section has really eliminated trial by jury in criminal contempt cases, merely limiting the punishment a Federal judge can mete out to $300 or 45 days in jail. This provision strikes at the heart of the position maintained by Members from all parts of the country that trial by jury in criminal contempt cases is essential to the preservation of the integrity of our judicial system. I cannot accept this compromise as a reasonable adjustment to minority aspirations or national goals, since it strikes down a vital principle. We cannot undertake to uphold certain constitutional rights in ways that do violence to other constitutional rights, which certainly can be argued to have equal priority, particularly when we have had the Senate provide us with legislative methods of safeguarding all constitutional rights.

Mr. BOLAND. Mr. Speaker, I rise to support this measure. It is a compromise and in many degrees it is less than that which staunch advocates of civil rights desire. But this measure before us represents a long step forward in the fight for civil rights for a particular minority group, the Negroes.

The lengthy committee hearings that have been conducted and the long hours of debate produced clear-cut evidence of the need for this legislation. Testimony adduced at the hearings clearly indicated that the civil rights of Negroes have been frustrated in certain areas. Specifically was this true with respect to the right to vote—a constitutional guaranty of all citizens of the United States. There is no question but that this right to vote was being usurped and violated. The right to vote is a basic constitutional right. As a matter of fact, it is one of the greatest and most important of the civil rights, for it guarantees to the citizen the right to participate in his government. It gives to that person a voice in the establishment of the laws under which he or she must live. Yet, it was pointed out on this floor during the debate by my distinguished colleague from Michigan, Congressman DIGGS, that there is not one registered Negro voter in certain counties in the South with large Negro populations. Mr. DIGGS cited Carroll County, Miss., with a Negro population of 57 percent; Jefferson County, Miss., with a Negro population of 74.5 percent; Nouxubee County, Miss., with a Negro population of 74.4 percent and

other counties with very high percentages of Negro population. But not one Negro voter registered. Witnesses from these areas that appeared before the committee gave testimony that indicated that they had been kept from the polls through intimidation and coercion.

Mr. Speaker, the Members of this House have an opportunity this afternoon to help correct these injustices which have been imposed upon American Negroes since the Reconstruction period. May I say that such voting-right violations have not been limited strictly to the South. This is a problem that has arisen in all areas of the country since the Reconstruction period. The rights of Negroes have been violated in the North also. The evidence before this House indicates the critical need for this legislation.

Mr. Speaker, I have always been an advocate of civil rights. My entire record in the Massachusetts Legislature and in Congress shows clearly that I have championed this cause. My voting record in this regard stems from deep moral convictions and reverence for the fundamental concepts upon which America was born: that God created all men equal and that these human beings are endowed with the inalienable rights writ large by Thomas Jefferson in the Declaration of Independence: life, liberty, and the pursuit of happiness.

I am convinced, Mr. Speaker, that this legislation will in the long run result in greater understanding and contribute to better relations between the races in this great democracy. I know that there has been considerable anxiety connected with this legislation and perhaps some bitterness on the part of certain people. Let me say to them that this legislation is for the benefit of America and the American way of life and it will deal a deathblow to Communist propaganda which purports to show America as a land of discrimination.

In conclusion may I appeal to my colleagues on both sides of the aisle to vote for this legislation.

Mr. ROBERTS. Mr. Speaker, a majority of the Members of this House today stand ready to pass legislation which is unprecedented in this legislative hall. It now seems inevitable to those of us who have protested so vigorously against this iniquitous legislation that the House today will give its approval to the first civil-rights bill to be passed in more than eight decades.

Because we believe with all the honesty of our hearts that the bill perpetrated by the Attorney General and the liberal politicians is contrary to basic American principles, we, a handful of elected representatives, have done our best to point up the shortcomings and the fallacies of this bill. When proponents of the civil-rights bill back in January tried to railroad the measure through the House even without hearings, we cried out in protest. We were given hearings. Then, even without the right to unlimited debate enjoyed by Members of the Senate, we kept this bill on the House floor in discussion until it finally was passed by the House and sent to the Senate on June 20. Southern Senators and other Senators then took up the fight and, with the time to do it in, bared to a gasping public and a confused administration some of the ghastly entrails of this legislation.

As a result of this extended debate, the bill which now confronts us is a far cry from the original, ill-contrived measure. It is now called a watered-down bill, a compromise bill.

Mr. Speaker, I submit to my distinguished colleagues that the bill which we now consider is still the most dangerous, the most disastrous piece of legislation that I, and many who have had far more dealings with legislative affairs than I, have ever witnessed.

This legislation, in part and wholly, is contrary to every tenet of American jurisprudence. This bill gives no assurance of a jury trial in voting violations cases. Only if the penalty given at the trial by the judge is beyond 45 days imprisonment or the fine more than $300 is a jury trial to be given if a defendant requests it. What sort of flimsy reasoning ever spawned such a stipulation as this? Can one compromise with principle? If one believes in a jury trial at all in cases involving so serious a charge as denying the right to vote, he necessarily must believe in a jury trial for those subject to 2 months imprisonment as to a month and a half. The seriousness of the charge is not variable with the sentences meted out.

There is no assurance whatever that the judge who finds a defendant guilty of civil-rights violations and who sends him to jail may not later be the presiding judge when the same defendant comes up for another trial before a jury of his peers. Under our judicial system, the judge may comment on the evidence presented; who is to say that he will not influence the reasoning of the jurors so as to uphold the judgment that he has originally handed down? Will it be purged from the jurors' minds the fact that the defendant in whose judgment they sit has already been found guilty by the very judge who charges them?

And what of the sacred constitutional rights of the States? This bill would hack away the pillars of States rights by pushing the Federal Government into the field of elections, special and primary. The bill attempts to navigate upon a course by which a centralized Federal Government would try to dictate to the domestic concerns of the various States.

Mr. Speaker, I have long contended and do now contend that this bill, while impinging upon vital principles and while breeding mistrust and conflict, would provide no new right or privilege to any citizen of this Nation.

I now join my colleagues in an eleventh hour plea that the sound judgment of the Congress will prevail and that this legislation will never become the law of the land.

Mr. O'HARA of Illinois. Mr. Speaker, months ago in my report to my constituents in the Second District of Illinois I said:

"The civil-rights bill will reach the floor of the House within the next fortnight, and I believe is certain to pass without crippling amendments. Contrary to the fears of some I look for the bill to clear the hurdles in the Senate without filibuster."

That was at a time when the defeatist attitude was pretty general and a filibuster regarded as inevitable. I am glad that I did not mislead my constituents in my prediction by accepting this attitude. Yesterday is not today, and always we go forward, too slowly perhaps, but always forward.

The so-called compromise bill leaves very much to be desired. It is a frail little craft, with seams in the hull that leak, to attempt to navigate the sea of prejudice and discrimination in the search for the promised land of an America of real equality in the exercise of the rights dear to all men.

But, Mr. Speaker, it will make the voyage in safety and its landing will be on the shores of that America of real equality for all men and women. But ours is the continuing, tireless, unrelenting job of standing by as the sailors, to mend the seams in the hull with strengthening amendments beginning as soon as we convene for the second session. To that, Mr. Speaker, we are dedicated. And now that the start has been made, feeble though it may be, we shall push the harder for the prompt enactment of civil-rights legislation with teeth protecting all the people of the United States in the exercise of their rights as Americans to live in the society of their fellow Americans on a plane of equality and without discrimination of any nature based on the circumstances of race, religion or station.

We have come a long way. We still have far to go. But always we go forward, and just ahead is waiting us the sunshine of brotherhood, if our faith and our courage remain strong.

Mr. DAVIS of Georgia. Mr. Speaker, I am opposed to this resolution. A vote for this resolution is a vote for the so-called civil-rights bill, H. R. 6127, with the Senate amendments, and with the amendments provided for in this resolution.

The proposal contained in House Resolution 410 is one of the most unusual and extraordinary legislative actions I have seen or heard of. These proposals are completely new. The proposed amendment in lieu of Senate amendment No. 15 was not contained in the bill as originally introduced, or in any amendment which was offered to the bill in the House or in the Senate. It is one of the most drastic proposals made during the entire progress of this legislation. It would take away a valuable and precious right which every American citizen now possesses. Its provisions have not been discussed before any committee or subcommittee, and cannot be discussed in any detail in the 1 hour which is allotted for argument for this entire resolution.

It is regrettable and deplorable that Members of this great legislative body would be stampeded by political pressure into railroading any kind of legislation through in this fashion. It is deplorable that any Member would so far lose sight of fundamental rights and privileges and of constitutional government as to support such a legislative monstrosity, such a radical departure from orderly, sound, legal procedure as this resolution embodies.

I agree with the statement of David Lawrence in his newspaper column of yesterday in the Washington Evening Star, in which he said that this week is a week of infamy in the United States Congress. As I contemplate the events taking place on the floor of this House today I am reminded of the statement I once heard made by my dear departed friend, the late Honorable Eugene Cox, Representative from the Second Congressional District of Georgia, when he said:

I would not do to go to Heaven what some people do to get elected to Congress.

Mr. MADDEN. Mr. Speaker, I move the previous question.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 274, nays 101, not voting 57, as follows:

[Roll No. 213]

YEAS—274

Adair	Dague	Kilgore
Addonizio	Dawson, Ill.	King
Albert	Dawson, Utah	Kirwan
Allen, Ill.	Delaney	Kluczynski
Andersen, H. Carl	Dellay	Knox
	Dennison	Knutson
Anderson, Mont.	Denton	Laird
	Derounian	Lane
Andresen, August H.	Devereux	Lankford
	Diggs	Latham
Arends	Dingell	Lipscomb
Ashley	Dixon	McCarthy
Aspinall	Dollinger	McConnell
Auchincloss	Donohue	McCormack
Avery	Dooley	McCulloch
Ayres	Dorn, N. Y.	McFall
Baldwin	Doyle	McGovern
Baring	Dwyer	McGregor
Barrett	Eberharter	McIntire
Bass, N. H.	Edmondson	McIntosh
Bates	Engle	McVey
Baumhart	Fallon	Macdonald
Becker	Farbstein	Machrowicz
Belcher	Feighan	Mack, Ill.
Bennett, Mich.	Fenton	Mack, Wash.
Bentley	Fino	Madden
Berry	Fogarty	Magnuson
Betts	Forand	Marshall
Blatnik	Ford	Martin
Boland	Frelinghuysen	May
Bolling	Friedel	Meader
Bosch	Fulton	Merrow
Bow	Garmatz	Metcalf
Boyle	Gavin	Michel
Breeding	Granahan	Miller, Md.
Brooks, Tex.	Gray	Miller, Nebr.
Broomfield	Green, Oreg.	Miller, N. Y.
Brown, Mo.	Green, Pa.	Minshall
Brown, Ohio	Griffin	Montoya
Brownson	Griffiths	Moore
Burdick	Gubser	Morano
Bush	Hagen	Morgan
Byrne, Ill.	Hale	Morris
Byrne, Pa.	Halleck	Moss
Byrnes, Wis.	Harrison, Nebr.	Moulder
Canfield	Haskell	Multer
Carnahan	Healey	Mumma
Carrigg	Henderson	Natcher
Cederberg	Heselton	Neal
Celler	Hess	Nimtz
Chamberlain	Hill	O'Brien, Ill.
Chelf	Hoeven	O'Brien, N. Y.
Chenoweth	Holland	O'Hara, Ill.
Chiperfield	Holmes	O'Hara, Minn.
Christopher	Holt	O'Neill
Chudoff	Hosmer	Osmers
Church	Hull	Ostertag
Clark	Hyde	Patman
Coad	Ikard	Patterson
Coffin	James	Pelly
Cole	Jarman	Perkins
Collier	Jenkins	Pfost
Corbett	Johnson	Philbin
Coudert	Judd	Pillion
Cretella	Karsten	Polk
Cunningham, Iowa	Kean	Porter
	Keating	Price
Cunningham, Nebr.	Kee	Prouty
	Kelley, Pa.	Rabaut
Curtin	Kelly, N. Y.	Radwan
Curtis, Mass.	Keogh	Reece, Tenn.
Curtis, Mo.	Kilday	Reed
Rees, Kans.	Shelley	Ullman
Reuss	Sheppard	Vanik
Rhodes, Ariz.	Sieminski	Van Pelt
Rhodes, Pa.	Simpson, Ill.	Van Zandt
Riehlman	Simpson, Pa.	Vorys
Rodino	Sisk	Wainwright
Rogers, Colo.	Springer	Watts
Rogers, Mass.	Staggers	Weaver
Rooney	Stauffer	Westland
Roosevelt	Steed	Wharton
Santangelo	Sullivan	Widnall
St. George	Talle	Wigglesworth
Saund	Taylor	Wilson, Calif.
Saylor	Teller	Wilson, Ind.
Schenck	Tewes	Withrow
Scherer	Thomas	Wolverton
Schwengel	Thompson, N. J.	Wright
Scott, Pa.	Thompson, Tex.	Yates
Scudder	Thomson, Wyo.	Young
Seely-Brown	Thornberry	Zablocki
Sheehan	Tollefson	Zelenko

NAYS—101

Abbitt	Frazier	Norrell
Abernethy	Gary	O'Konski
Alexander	Gathings	Passman
Andrews	Grant	Pilcher
Ashmore	Gregory	Poage
Baker	Gross	Poff
Bass, Tenn.	Haley	Rains
Beckworth	Hardy	Ray
Bennett, Fla.	Harris	Riley
Blitch	Harrison, Va.	Rivers
Boggs	Hays, Ark.	Roberts
Bonner	Hébert	Robeson, Va.
Boykin	Hemphill	Rogers, Fla.
Brooks, La.	Herlong	Rogers, Tex.
Brown, Ga.	Huddleston	Rutherford
Broyhill	Jennings	Scott, N. C.
Budge	Jensen	Selden
Burleson	Johansen	Shuford
Byrd	Jonas	Smith, Miss.
Colmer	Jones, Ala.	Smith, Va.
Cooley	Jones, Mo.	Smith, Wis.
Cooper	Keeney	Spence
Cramer	Kitchin	Taber
Davis, Ga.	Landrum	Thompson, La.
Davis, Tenn.	Lanham	Trimble
Dorn, S. C.	Lennon	Tuck
Dowdy	Long	Utt
Durham	Loser	Vinson
Elliott	McMillan	Whitener
Evins	Mahon	Whitten
Fascell	Matthews	Williams, Miss.
Flynt	Mills	Willis
Forrester	Morrison	Winstead
Fountain	Murray	

NOT VOTING—57

Alger	Harvey	Nicholson
Allen, Calif.	Hays, Ohio	Norblad
Anfuso	Hiestand	Powell
Bailey	Hillings	Preston
Barden	Hoffman	Robsion, Ky.
Beamer	Holifield	Sadlak
Bolton	Holtzman	Scrivner
Bray	Horan	Sikes
Buckley	Jackson	Siler
Cannon	Kearns	Smith, Calif.
Clevenger	Kearney	Smith, Kans.
Dempsey	Kilburn	Teague, Calif.
Dies	Krueger	Teague, Tex.
Fisher	LeCompte	Udall
Flood	Lesinski	Vursell
George	McDonough	Walter
Gordon	Mailliard	Wier
Gwinn	Mason	Williams, N. Y.
Harden	Miller, Calif.	Younger

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Flood for, with Mr. Sikes against.
Mr. Holifield for, with Mr. Hoffman against.
Mr. Younger for, with Mr. Barden against.
Mr. Bailey for, with Mr. Preston against.
Mrs. Bolton for, with Mr. Mason against.
Mr. Scrivner for, with Mr. Alger against.
Mr. Siler for, with Mr. Clevenger against.
Mr. Udall for, with Mr. Dies against.

Until further notice:

Mr. Buckley with Mr. Allen of California.
Mr. Anfuso with Mr. Kearney.
Mr. Holtzman with Mr. Norblad.
Mr. Powell with Mr. Smith of California.
Mr. Dempsey with Mr. Hiestand.
Mr. Walter with Mr. Harvey.
Mr. Hays of Ohio with Mr. Krueger.
Mr. Lesinski with Mr. Teague of California.
Mr. Miller of California with Mr. Sadlak.
Mr. Cannon with Mrs. Harden.
Mr. Gordon with Mr. LeCompte.
Mr. Wier with Mr. Bray.
Mr. Teague of Texas with Mr. Beamer.
Mr. Fisher with Mr. Hillings.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the resolution.

Mr. COLMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 279, nays 97, not voting 56, as follows:

[Roll No. 214]

YEAS—279

Adair	Devereux	McFall
Addonizio	Diggs	McGovern
Albert	Dingell	McGregor
Allen, Ill.	Dixon	McIntire
Andersen, H. Carl	Dollinger	McIntosh
	Donohue	McVey
Anderson, Mont.	Dooley	Macdonald
	Dorn, N. Y.	Machrowicz
Andresen, August H.	Doyle	Mack, Ill.
	Dwyer	Mack, Wash.
Arends	Eberharter	Madden
Ashley	Edmondson	Magnuson
Aspinall	Engle	Marshall
Auchincloss	Fallon	Martin
Avery	Farbstein	May
Ayres	Fascell	Meader
Baldwin	Feighan	Merrow
Baring	Fenton	Metcalf
Barrett	Fino	Michel
Bass, N. H.	Fogarty	Miller, Md.
Bates	Forand	Miller, Nebr.
Baumhart	Ford	Miller, N. Y.
Becker	Frelinghuysen	Minshall
Belcher	Friedel	Montoya
Bennett, Mich.	Fulton	Moore
Bentley	Garmatz	Morano
Berry	Gavin	Morgan
Betts	Granahan	Morris
Blatnik	Gray	Moss
Boland	Green, Oreg	Moulder
Bolling	Green, Pa.	Multer
Bosch	Griffin	Mumma
Bow	Griffiths	Natcher
Boyle	Gubser	Neal
Breeding	Hagen	Nimtz
Brooks, Tex.	Hale	O'Brien, Ill.
Broomfield	Halleck	O'Brien, N. Y.
Brown, Mo.	Harrison, Nebr.	O'Hara, Ill.
Brown, Ohio	Haskell	O'Hara, Minn.
Brownson	Healey	O'Neill
Burdick	Henderson	Osmers
Bush	Heselton	Ostertag
Byrd	Hess	Patman
Byrne, Ill.	Hill	Patterson
Byrne, Pa.	Hoeven	Pelly
Byrnes, Wis.	Holland	Perkins
Canfield	Holmes	Pfost
Carnahan	Holt	Philbin
Carrigg	Hosmer	Pillion
Cederberg	Hull	Poage
Celler	Hyde	Polk
Chamberlain	Ikard	Porter
Chelf	James	Price
Chenoweth	Jarman	Prouty
Chiperfield	Jenkins	Rabaut
Christopher	Johnson	Radwan
Chudoff	Judd	Reece, Tenn.
Church	Karsten	Reed
Clark	Kean	Rees, Kans.
Coad	Kearns	Reuss
Coffin	Keating	Rhodes, Ariz.
Cole	Kee	Rhodes, Pa.
Collier	Kelley, Pa.	Riehlman
Corbett	Kelly, N. Y.	Rodino
Coudert	Keogh	Rogers, Colo.
Cretella	Kilday	Rogers, Mass.
Cunningham, Iowa	Kilgore	Rooney
	King	Roosevelt
Cunningham, Nebr.	Kirwan	Rutherford
	Kluczynski	Santangelo
Curtin	Knox	St. George
Curtis, Mass.	Knutson	Saund
Curtis, Mo.	Laird	Saylor
Dague	Lane	Schenck
Dawson, Ill.	Lankford	Scherer
Dawson, Utah	Latham	Schwengel
Delaney	Lipscomb	Scott, Pa.
Dellay	McCarthy	Scudder
Dennison	McConnell	Seely-Brown
Denton	McCormack	Sheehan
Derounian	McCulloch	Shelley

Sheppard	Thomas	Westland
Sieminski	Thompson, N. J.	Wharton
Simpson, Ill.	Thompson, Tex.	Widnall
Simpson, Pa.	Thomson, Wyo.	Wigglesworth
Sisk	Thornberry	Wilson, Calif.
Springer	Tollefson	Wilson, Ind.
Staggers	Ullman	Withrow
Stauffer	Vanik	Wolverton
Steed	Van Pelt	Wright
Sullivan	Van Zandt	Yates
Talle	Vorys	Young
Taylor	Wainwright	Zablocki
Teller	Watts	Zelenko
Tewes	Weaver	

NAYS—97

Abbitt	Gary	Norrell
Abernethy	Gathings	O'Konski
Alexander	Grant	Passman
Andrews	Gregory	Pilcher
Ashmore	Gross	Poff
Baker	Haley	Rains
Bass, Tenn.	Hardy	Ray
Beckworth	Harris	Riley
Bennett, Fla.	Harrison, Va.	Rivers
Blitch	Hays, Ark.	Roberts
Boggs	Hébert	Robeson, Va.
Bonner	Hemphill	Rogers, Fla.
Boykin	Herlong	Rogers, Tex.
Brooks, La.	Huddleston	Scott, N. C.
Brown, Ga.	Jennings	Selden
Broyhill	Jensen	Shuford
Budge	Johansen	Smith, Miss.
Burleson	Jonas	Smith, Va.
Colmer	Jones, Ala.	Smith, Wis.
Cooley	Jones, Mo.	Spence
Cooper	Keeney	Taber
Cramer	Kitchin	Thompson, La.
Davis, Ga.	Landrum	Trimble
Davis, Tenn.	Lanham	Tuck
Dorn, S. C.	Lennon	Utt
Dowdy	Long	Vinson
Durham	Loser	Whitener
Elliott	McMillan	Whitten
Evins	Mahon	Williams, Miss.
Flynt	Matthews	Willis
Forrester	Mills	Winstead
Fountain	Morrison	
Frazier	Murray	

NOT VOTING—56

Alger	Harvey	Norblad
Allen, Calif.	Hays, Ohio	Powell
Anfuso	Hiestand	Preston
Bailey	Hillings	Robsion, Ky.
Barden	Hoffman	Sadlak
Beamer	Holifield	Scrivner
Bolton	Holtzman	Sikes
Bray	Horan	Siler
Buckley	Jackson	Smith, Calif.
Cannon	Kearney	Smith, Kans.
Clevenger	Kilburn	Teague, Calif.
Dempsey	Krueger	Teague, Tex.
Dies	LeCompte	Udall
Fisher	Lesinski	Vursell
Flood	McDonough	Walter
George	Mailliard	Wier
Gordon	Mason	Williams, N. Y.
Gwinn	Miller, Calif.	Younger
Harden	Nicholson	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Flood for, with Mr. Sikes against.
Mr. Holifield for, with Mr. Hoffman against.
Mr. Younger for, with Mr. Barden against.
Mr. Bailey for, with Mr. Preston against.
Mrs. Bolton for, with Mr. Mason against.
Mr. Scrivner for, with Mr. Alger against.
Mr. Siler for, with Mr. Clevenger against.
Mr. Hays of Ohio for, with Mr. Dies against.
Mr. Buckley for, with Mr. Hiestand against.

Until further notice:

Mr. Anfuso with Mr. Vursell.
Mr. Holtzman with Mr. Allen of California.
Mr. Powell with Mr. LeCompte.
Mr. Dempsey with Mrs. Harden.
Mr. Walter with Mr. Horan.
Mr. Udall with Mr. Krueger.
Mr. Lesinski with Mr. Norblad.
Mr. Miller of California with Mr. Sadlak.
Mr. Cannon with Mr. Harvey.
Mr. Gordon with Mr. Bray.
Mr. Wier with Mr. Beamer.
Mr. Teague of Texas with Mr. Jackson.
Mr. Fisher with Mr. Teague of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING CHAPTER 223 OF TITLE 18, UNITED STATES CODE

Mr. SMITH of Virginia. Mr. Speaker, I call up the resolution (H. Res. 411) providing for the consideration of H. R. 7915, a bill to amend section 1733 of title 28, United States Code, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7915) to amend section 1733 of title 28, United States Code. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT], and now yield myself such time as I may consume.

Mr. Speaker, this bill is H. R. 7915, to amend a certain section of the United States Code. The purpose of the bill is to correct the decision of the Supreme Court in the so-called famous Jencks case. That decision, as you all know, has very much handicapped the Department of Justice and the FBI because of the requirement of the Court that FBI reports should be produced for the scrutiny of the accused person. You can readily understand how embarrassing that is to the Department and to the FBI by reason of having to disclose confidential communications given to them both by their own agents and by volunteers. I am not too familiar with the effect of the bill itself, but it seems to have the approval of the Committee on the Judiciary, and I understand from that committee that this bill will serve the purpose. It is a much needed piece of legislation. That situation must be corrected in the interest of the administration of justice. I hope the House will adopt the rule and pass the bill.

I now yield to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I agree with the gentleman from Virginia as to the urgency of this bill. The Department of Justice may be unable to try certain people including the spy, Rudolf Ivanovich Abel, master spy and colonel in the Soviet intelligence, unless its records are suitably protected. It is equally important that the rights of defendants be protected, and I think this bill does just that. I think it is extremely important. I am one of those who have been urging action on this bill ever since the Supreme Court decision which has precipitated the problem. I think it is most important that the House act favorably on this legislation. The gentleman from New York [Mr. KEATING] will explain the bill more in detail in general debate.

Mr. Speaker, I ask unanimous consent to include at this time an editorial together with my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The editorial is as follows:

EMERGENCY: SPEED FBI BILL

The bill to protect FBI files from court exposure has become emergency legislation. The fact is brought to public attention by the arrest of Rudolf Ivanovich Abel, master spy, and colonel in the Soviet intelligence.

Thanks to the Supreme Court decision in the Jencks case, the FBI now faces a choice of possibly dropping prosecution of Abel or having its own intelligence secrets bared in the courtroom upon insistence of Abel's lawyers.

It is conceivable that any information thus made public about the FBI's methods of counterespionage might be more useful to the Soviet Union and its international conspiracy than that which Abel managed to gather on his own and transmit to Moscow inside hollowed pencils.

This dilemma puts the issue squarely before Congress. It has the power to change those statutes which the Supreme Court interpreted to give defendants' lawyers access to FBI files whenever information of any kind from those files was used in prosecuting Communists or others.

A bill to amend the laws so as to protect the security of FBI files has been offered by Representative KENNETH B. KEATING. It is now before the House. Representative JOSEPH W. MARTIN, JR., warns bluntly: "If we go home without passing the Keating bill or a similar bill, we will have crippled the Government in its prosecution of Abel, a so-called master spy, and will be responsible for the nonprosecution of many other similar cases."

Already a number of Federal prosecutions have been dropped rather than reveal FBI files. Others have been dismissed by the courts when the FBI records have been withheld. And one FBI agent is under a $1,000 contempt-of-court fine for refusal to yield such records.

The only difference of opinion thus far seems to be between those who favor the Keating bill, and those who, with Representative FRANCIS E. WALTER, of Pennsylvania, have proposed a stronger bill. The Keating measure would provide that only pertinent portions of FBI reports shall be turned over to defense attorneys, after secret scrutiny and evaluation by the trial judge. But after some members of the House Judiciary Committee expressed fears that a stronger bill might be held unconstitutional by the Supreme Court, the committee decided to substitute the Keating bill under Representative WALTER'S name.

Up to now, most of the cases in which prosecution has been dropped rather than reveal FBI files have not involved espionage.

The Abel case, however, involves national security and puts the whole issue squarely before Congress and the public. If the FBI can be compelled to reveal to Soviet agents and their lawyers not only FBI records but the names of their counterspies and the details of their methods—the Kremlin will have gained through our courts vital secrets it could not have hoped to obtain through its spy network.

The FBI bill is on President Eisenhower's program. Leaders concede that once before Congress it probably would pass by an almost unanimous vote.

What is made doubly obvious by the Abel case, however, is the urgent need for action. While there may be no opposition, the fact will matter little unless the bill is speeded to the House and Senate floors, and voted upon before the Congress adjourns.

Time is of the essence. Here is definitely emergency legislation. It is time to take the handcuffs off the FBI—and put them where they belong, on the conspirators and malefactors who would undermine and destroy our free America.

Mr. SMITH of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I am not so certain as the two gentlemen who have addressed the House, the gentleman from Virginia [Mr. SMITH] and the gentleman from Pennsylvania [Mr. SCOTT], as to what this bill will do. There has been a great deal of misinterpretation concerning the so-called Jencks decision. Some of that interpretation has been deliberate and purposeful. As I read that decision I do not think it is so horrendous as some people are trying to make the American public believe it is. Yesterday the United States district judge Judge Frederick Van Pelt Bryan, in deciding a matter before him, had the following to say about the Jencks case:

The Supreme Court case enunciates a simple, fair, and quite limited rule. It holds that where the prosecution places a witness on the stand the defense is entitled to inspect statements or reports in the Government's possession concerning the subject matter of such witness' testimony, for the purpose of determining whether they can be used to impeach his credibility. This applies whether the witness be a Federal agent, informer, or a member of the general public.

Quite a number of other Federal judges since this decision have made pronouncements along the same line. It is true that one or two other judges have taken the opposite position, but, as I see it on balance, this is too early a period after the decision to pass a bill that is so far reaching as is the bill that we are asked to vote upon today. Not only does this bill today cover matters which are not in the Jencks decision—for example, the Federal Rules of Criminal Procedure—but it goes far beyond that. It is purported improperly to be a vast excursion or Roman holiday to go into the FBI records. The Court was very careful to enunciate, most careful to say that the defendants' counsel cannot have carte blanche to go into the FBI records. The records of the FBI were not wholesalely open to the scrutiny of counsel for the defendants in the particular Jencks case. Now, that is so, and the Court so indicated unmistakably and unequivocally in its ruling. This hullabaloo about opening up the FBI records so that spies, traitors, and saboteurs could have those records in defense of trial, and therefore by that ruse they could go scot free, is ridiculous. This argument has emanated from the Department of Justice because it does not like the Jencks decision. It wants to make the path of prosecution far easier. It is not the purpose of the Department of Justice to convict just for the sake of conviction. It shall be the purpose of the Department of Justice, as its name implies, to do justice.

The bill now before you, which I have read and carefully studied, will do a grave injustice. Mark you well this: The files to be opened are not only the files of the FBI, the records to be opened are not only the records of the FBI; the bill also covers the records of any person or any corporation not a defendant. What does that mean? It means the following: If my company is a defendant in a criminal prosecution and I need for its defense records in the possession of my competitor, under this bill all the Department of Justice need do is to subpena the records of my competitor, which records might have the effect of exculpating me from any wrongdoing under the antitrust law. I would not be able to get those records. Under this bill those records would be impervious to my scrutiny, I would be unable to use them and, therefore, I might be robbed of my defense.

Not only would that be so in an antitrust suit, it would be so in an income tax criminal prosecution.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WILLIS. In asking the gentleman to yield I am not belaboring the point, but I just want to say that I unequivocally disagree with him when he says this bill would reach the records of a competitor corporation. This has to do only with statements, contradictory statements, made by a witness on the stand as compared to a statement he made before he took the stand. It has nothing to do with records generally.

Mr. CELLER. I do not agree with the gentleman, because on page 3 of the bill we have the following language:

In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding—

That means despite the rules of criminal procedure—

no statement or report of any prospective witness or person—

And under court rulings "person" means "corporations"—

or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in paragraph (b) of this section.

That is the next section.

And there is no provision in the next section of this bill to get copies of those records or to see those records, or to scrutinize those records. So when the gentleman says—and I have the most affectionate regard for the gentleman—when the gentleman says corporations are not involved, I cannot agree with him, the word "person" having been used in the statute, "person" means "corporation"; and it has always meant corporation.

Mr. YATES. Mr. Speaker, if the gentleman will yield, I have great respect for the gentleman's legal ability, but is he opposed to the bill?

Mr. CELLER. I am opposed to the present form of the bill. I would be willing to accept as a compromise the Senate provisions. That bill is milder and would have the effect of protecting to the utmost, to the "nth" degree, the FBI records, and should satisfy the Department of Justice.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. CELLER. In just a moment. But I do not want to take the provisions of this bill which is brought to us without any hearings thereon, to interfere with the rules of criminal procedure which are administered by our Supreme Court and by the judicial council. We gave the Supreme Court and the Judicial Council power to enunciate and promulgate those rules. I do not want those rules just cavalierly to be abrogated and annulled and changed in this fashion:

Any rule of court or procedure to the contrary notwithstanding.

Those are dangerous words.

Mr. YATES. Does the gentleman propose to offer amendments to bring the bill into conformity with that passed by the other body?

Mr. CELLER. Yes, I do; and I hope the gentleman from New York [Mr. KEATING], who is handling this bill on the other side, may see fit to accept the Senate version of the bill.

Mr. CURTIS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. Mr. Speaker, has the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], forgotten that his subcommittee No. 3 conducted hearings on this bill?

Mr. CELLER. Yes, I do understand that, but I do not know to what degree those hearings were held before the Committee on the Judiciary reported the bill. I was caught unawares on the bill myself. I will say this, and I do not think anyone can contradict me, that when the bill was considered originally there were only two witnesses heard and both of them were authors of bills. There was no opposition heard. Unfortunately, I have to make that admission, I am to blame, being chairman of the committee, because I should have insisted that there be opposition heard, opposition from the bar association and from various interested groups who were not heard before we passed this bill. That is the gravamen of my complaint.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, it is interesting to hear the concern now expressed by the gentleman from New York [Mr. CELLER] with respect to this bill. Some of us were concerned earlier this afternoon about the so-called civil-rights bill and the language in that bill; what it will do to harass individuals and set aside State laws and further make the States wards of the Federal Government. We were concerned with that bill, but we got it rammed right down our throats without any ifs, ands, or buts.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. We were considering a civil-rights bill for several years. In addition to that, it took us 2 weeks to consider it on this very floor. I think every nook and cranny of the civil-rights bill was surveyed before we passed upon it.

Mr. GROSS. The House refused to adopt a jury-trial amendment. It was never even tried on for size in the House, I will say to the gentleman. I was further intrigued today by the statements that the jury-trial amendment was accepted as a compromise. What did the Members of the House, who voted against the jury-trial amendment when the bill was before the House, have to compromise? What did they have to compromise today? They had nothing to compromise on the jury-trial amendment except perhaps their souls.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. YATES. Assuming that the gentleman's argument is correct that the civil-rights bill contained vague and ambiguous language or phrases. Is that any argument to accept this bill with vague and ambiguous language in it?

Mr. GROSS. No. But I am intrigued by the complaint of the gentleman that the pending bill contains vague and bad language. Some of us felt the same way about the alleged civil-rights bill that was rammed down our throats a few minutes ago.

I asked for this time, however, to say that I hope the leadership on both sides of the aisle will now give immediate attention to pending legislation that would protect the rights of American soldiers serving in foreign countries.

I hope I will be able to look around the House floor today and tomorrow and see the leadership in conference every few minutes devising plans to get the Bow resolution before the House. There has been no end to the conferences that have been held for the past several days devising ways and means of ramming a so-called civil-rights bill through before adjournment.

I hope that those members of the Judiciary and Rules Committees, who so enthusiastically supported the civil-rights bill, will now show as much concern about the rights of American servicemen in foreign countries.

Let us see them perform on that issue. Let us see whether American servicemen have any constitutional rights in foreign lands; whether a serviceman is entitled to a jury trial in Japan or any other foreign court.

Does an American citizen, by virtue of putting on a uniform, lose all his rights and become a second-class citizen of the world?

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7915) to amend section 1733 of title 28, United States Code.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 7915, with Mr. ENGLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the bill before us for consideration today, H. R. 7915, was processed by the subcommittee of which I have the privilege of being the chairman and was the subject of careful study. It is a very simple proposal that can be clearly understood by nonlawyers as well as lawyers in this body. The purpose of the measure is to correct an important phase of the decision of the Supreme Court in the case of Jencks against the United States of America, decided June 3, 1957.

In that case a ruling was made to the effect that, for the alleged purpose of impeaching or discrediting the testimony of any Government witness, the defendant was entitled to inspect the reports of the Federal Bureau of Investigation, or other investigative agencies in the possession of the Government, and relating to the subject matter as to which such Government witness testified. Justices Burton, Harlan, and Clark vigorously dissented on this particular point. Justices Burton, Harlan, and Frankfurter dissented on another point having to do with the sufficiency of the trial judge's instruction to the jury, which is not involved in the pending bill. Justice Whittaker took no part in the consideration or decision of the case.

Here, therefore, we are confronted with a split decision of 5 to 3 on the point involved under the pending bill, and we again find the Supreme Court hopelessly divided 4 to 4 on the case as a whole.

Prior to the decision in the Jencks case the well-established practice was to first submit the voluminous and confidential FBI and other investigative agency reports to the presiding judge. Thereupon the trial judge would examine these reports and statements contained in the confidential files of the Government. The judge on careful examination would then separate the wheat from the chaff, the relevant from the irrelevant, and would hand over to counsel for the defendant all proper material for the defense of his client in trying to discredit or impeach the testimony of Government witnesses. The dissenting opinions pointed out that:

> Numerous Federal decisions have followed this practice.

The majority opinion, however, states that:

> The practice of producing Government documents to the trial judge for his determination of relevance and materiality, without hearing the accused, is disapproved.

It was in connection with the ruling of the Supreme Court on this specific point, which is the subject of the pending legislation, that Justice Clark in his dissenting opinion said:

> Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop, for the Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets. This may well be a reasonable rule in State prosecutions where none of the problems of foreign relations, espionage, sabotage, subversive activities, counterfeiting, internal security, national defense and the like exist, but any person conversant with Federal Government activities and problems will quickly recognize that it opens up a veritable Pandora's box of troubles. And all in the name of justice. For over eightscore years now our Federal judicial administration has gotten along without it and today that administration enjoys the highest rank in the world.

The bill before us today was drawn by the Department of Justice. All in the world it does is to go back to the former practice which had been proved by numerous Federal decisions and which according to Justice Clark had worked admirably well over eight score years in our Federal judicial administration. The bill provides a balance between the interest of the Government and that of the defendant. It would simply restore the Federal judges in their traditional role of impartial umpire between the Government and the people on the one hand and persons charged with crime on the other.

The statement of the Attorney General of the United States, appearing at page 7 of the report on the bill H. R. 7915, was made just a few days after the decision. This short time has already demonstrated what Justice Clark predicted would happen to the administration of justice under the rule of procedure required by the Jencks decision. Among many other illustrations, the Attorney General pointed out that a lower Federal judge dismissed a narcotics prosecution because the Government could not afford to open up an entire Narcotics Bureau report to the defendant. He said that in another case four persons convicted of kidnaping just a few days before the Jencks decision filed a motion to reopen the case in order to permit these people to rummage through confidential FBI reports. I have been advised by a United States attorney that a lower Federal judge felt obliged, under the ruling in the Jencks case, to turn over to the defendant in a case recently tried not only reports and statements gathered by postal inspectors, internal revenue agents and Federal Bureau of Investigation agents, but transcripts of State grand juries. I understand that the investigation of and proceedings before the grand juries were not even completed.

As a member of the House Committee on Un-American Activities, I say to you that in my opinion nothing would please a hard-core member of the Communist Party more than to become a so-called martyr of the Communist cause, in exchange for an opportunity to lay hands on and to raid secret FBI reports.

The vital danger which results from the present application of the Jencks ruling by the district courts is found in the nature of the files of the various Government law-enforcement agencies. Reports of the FBI are all inclusive and cover the full investigation of every phase of a case. They include not only interviews with possible witnesses, but also confidential information relating to the national safety and security. It is obvious that disclosure would result in identification not only of confidential informants, but also of confidential investigative techniques. The same may be said for the reports of the Narcotics Bureau and the Secret Service, as well as the Post Office Department. These files also contain information concerning innocent people. They may, and do, contain unverified accusations against innocent people. It is evident that disclosure of such documents would result in serious damage to the reputations of such persons. J. Edgar Hoover himself has stated, on numerous occasions, that one of the most important factors in the success of the FBI in protecting our national security has been the ability of the Bureau to maintain the confidential nature of its files. No law-enforcement agency can long endure when its records are open to needless disclosures. As I previously indicated, it requires no imagination to understand how members of the Communist conspiracy would welcome this ruling so as to raid the files of the FBI in order to obtain the names of confidential informants. Our entire counterintelligence system is jeopardized by this situation. That is the reason why both the Department of Justice and the Post Office Department, as well as the Treasury Department, welcome this legislation.

I reiterate that the bill provides for a balance between the interest of the Government and that of the defendant on trial. It does so by establishing the following procedures:

First. It provides that only reports or statements which relate to the subject matter as to which the witness has testified are subject to production.

Second. It gives to the court the power to excise from any such statement or report matter which does not relate to the subject matter of the testimony of the witness who made it. Thus reports about other persons or transactions, information disclosing the techniques of investigation, and all other extraneous matter would be safeguarded by the court.

Third. The bill makes it clear that the Government needs produce only reports or statements of a witness which are signed by him or otherwise adopted or approved by him as correct.

Fourth. It provides that statements and reports to be used for impeachment of a Government witness are not subject to production until the witness has been called and has testified for the Government.

Fifth. It provides that if the Government declines to produce such a statement or report the court shall either strike out the testimony affected or order a mistrial. Since the Jencks decision courts have dismissed the prosecution completely where the Government has found compliance with a production order unacceptable.

I cannot emphasize too strongly the urgency for a solution of this problem. I also have the privilege of being chairman of a special subcommittee of the Judiciary Committee which was established to study recent decisions of the Supreme Court. That subcommittee is presently considering certain recent decisions and their impact on the law-enforcement agencies of the Federal Government. I am convinced by the hearings which we have held to date that decisions such as the Jencks case call for legislative action in order that our law-enforcement agencies will not be hampered in protecting the public.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. WILLIS. I yield to the gentleman from Illinois.

Mr. YATES. With respect to that point, does not counsel for the defendant, however, have an opportunity to examine the testimony that is offered to the judge to determine whether or not to take an exception as to the materiality of evidence that is excluded?

Mr. WILLIS. No; that was the very point at issue. The practice was to the contrary. This is the language of the Supreme Court itself. Here is the Supreme Court admitting what was the practice theretofore. This is what the majority said:

> The practice of producing Government documents to the trial judge for his determination of relevancy or materiality without hearing the accused is disapproved.

That is the whole thing this bill reaches, to go back to the former practice. As the result of that holding, upsetting the practice which the majority opinion itself held had prevailed theretofore for 160 years, this is what Justice Clark in his dissenting opinion said would immediately result:

> Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop, for the Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets. This may well be a reasonable rule in State prosecutions where none of the problems of foreign relations, espionage, sabotage, subversive activities, counterfeiting, internal security, national defense, and the like exist, but any person conversant with Federal Government activities and problems will quickly recognize that it opens up a veritable Pandora's box of troubles. And all in the name of justice. For over eightscore years now our Federal judicial administration has gotten along without it, and today that administration enjoys the highest rank in the world.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. The gentleman is reading from the minority opinion?

Mr. WILLIS. I so stated.

Mr. CELLER. Only one voice spoke there, but there was the combined voice speaking in the majority opinion.

Mr. WILLIS. Not at all. The vote there was 5 to 4. It was not the combined voice.

Mr. CELLER. There were five judges that made this statement on pages 9 and 10 of the report:

> The necessary essentials of a foundation, emphasized in that opinion—

Citing *Gordon* v. *United States* (344 U. S. 414)—

> and present here, are that "(t)he demand was for production of * * * specific documents and did not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up. Nor was this a demand for statements taken from persons or informants not offered as witnesses."

It is interesting to note also that in the Senate the distinguished Senator from North Carolina, Senator ERVIN, made that very point.

He said that much of this misunderstanding stems from the statement of Justice Clark. Let me just read what he said. The distinguished Senator and many of the Senators agree with Senator ERVIN that this was not a case where the Court allowed them willy-nilly to go through the records of the FBI, but they are only permitted to go through specific records to see whether or not matters on which he may have made a statement are contradictory of the statement he made in the court.

Mr. WILLIS. May I say this? In the first place, the language that the gentleman just read is a quotation from another case.

Mr. CELLER. But it is right here. They reaffirmed the decision in this Court.

Mr. WILLIS. In the second place, the Supreme Court itself, and you cannot get away from it, admitted point blank that it was reversing the present practice. That is the point at issue. In the third instance, with reference to the action of the other body, obviously, it would be satisfactory if we did what they did there, that is, adopt the bill.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. CHELF. Does the gentleman not think it is rather significant that the Justice who delivered the minority opinion was the one Justice of the nine who had the most reason to know the most about the operation of the FBI, having served as a former Attorney General, and if he does not know his business, then none of them know their business?

Mr. WILLIS. The gentleman is eminently correct. This bill was drawn by the Department of Justice. All in the world it does is to go back to the former practice that had prevailed prior to the decision, namely, it provides a balance between the interest of the Government or the people and the interest of the man on trial. It simply restores the Federal judge in his traditional role of umpire between the accused and the Government and the people, because regardless of anything you can say, the judge always rules on the materiality, and that is all this bill does.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CELLER. Mr. Chairman, I yield 3 additional minutes to the gentleman.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. CHELF. As the gentleman so aptly put it, this does not give anything new nor does it take anything away. It just leaves it where it has been for 160 years. What is wrong with that?

Mr. WILLIS. That is exactly it.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. FASCELL. I do not want to get into the question of materiality of evidence, because that is up to the judge and it should continue to be up to the judge. But I do want to touch on this question. Does not the bill say the question shall be determined only after the evidence has been submitted and that that is not now the practice?

Mr. WILLIS. Well, that was all that was in the Jencks case. The present practice, of course, is to have a request made for the production of outside documents during the course of a trial after the witness has testified.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KEATING. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks on this bill during general debate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, H. R. 7915, a bill designed to bring order out of the chaos left in the wake of the Supreme Court's decision in the case of Jencks against United States, deserves immediate and favorable action by this body.

The implications of that decision strike at the very heart of our chief Federal law-enforcement agency, the FBI. The importance of the work done by that organization in protecting the lives of our citizens—indeed the very life of our Nation—cannot be overemphasized. Any crippling interference with the effective and efficient operations of the FBI could well prove to be a victory for the criminal and the Communist at the expense of the law-abiding citizens of this country.

This is not to say that we should in any way impair the rights traditionally accorded the accused by our laws and by our Constitution. I would be the last to advocate such action, but I am convinced it is possible for Congress to establish rules of criminal procedure which will preserve the rights of the accused and, at the same time, protect confidential information in the possession of the Government. That is exactly what H. R. 7915 proposes to accomplish.

In order properly to understand the problems raised by the Jencks decision and the solution to those problems advanced by this bill, it is necessary to have a general knowledge of the facts in the Jencks case and the decision of the court.

Clinton Jencks was tried and convicted for falsely swearing, in an affidavit submitted as a union official, that he was not a member of the Communist Party. The Court of Appeals for the Fifth Circuit confirmed the conviction and the Supreme Court granted certiorari. During the trial, two Government witnesses, Matusow and Ford, testified as to Communist Party activities in which Jencks had participated. Under cross-examination they admitted that they had made reports of those activities over a period of time to the FBI. The defense, in the belief that some of those reports might be inconsistent with the witnesses' testimony at the trial, asked the court to order the Government to turn them over to the judge for his inspection to determine whether, and to what extent, the reports should be made available to the defense for use in impeaching the credibility of the witnesses.

The Government did not invoke its privilege against disclosure on the grounds that these reports were confidential documents. Instead, it objected to the motion to produce solely on the ground that the defense had made no showing that the contents of the reports in the file contradicted the testimony of the witnesses. The trial court refused to order the files turned over to the judge. The court of appeals affirmed the trial court's decision primarily on the ground that the defense had failed to show that the reports were inconsistent with the witnesses' testimony.

The Supreme Court reversed, holding that it was not necessary for the defense to establish that the reports in the file and the testimony of the witness were inconsistent. Citing the case of *Gordon* v. *United States* (344 U. S. 414), the Court clearly stated the necessary essentials for the production of a prior statement of a witness:

> The necessary essentials of a foundation, emphasized in that opinion, and present here, are that "(t)he demand was for production of * * * specific documents and did not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up. Nor was this a demand for statements taken from persons or informants not offered as witnesses" (344 U. S., at 419). We reaffirm and reemphasize these essentials (pp. 9–10).

That statement, in my opinion, is the crux of the decision in the Jencks case. The Court, in other words, said that the defendant need not prove, as a condition precedent to production, that a statement made previously by the witness contradicted his testimony on the stand. But the defense does have to specify, in its demand, the documents it seeks to examine. And the demand can relate only to statements of persons actually offered as witnesses. As the Court stated, the defense could "not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up."

Since the defense in the Jencks case had sought only reports made by Ford and Matusow, the Supreme Court stated:

> We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold, further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is adequately equipped to determine the effective use for purpose of discrediting the Government's witness and thereby furthering the accused's defense, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less (pp. 11–12).

The Court does not grant a license to the defense to rummage through the whole prosecution file, but it did say the defense should have access to the report of a witness if it relates to the subject matter about which he has testified.

The problem is that FBI reports do not always cover just one specific subject matter. Information which does not relate in any way to the testimony of the witness at the trial may well be in a report which in other respects does touch on the events as to which the witness has testified. The parts of the report which do relate to the witness's testimony certainly should be produced. But those portions which do not, and especially those which normally are of a highly confidential nature, should be withheld, not only for security purposes but to protect innocent persons who may be named.

The most crucial problem created by the Court's decision in the Jencks case results from the interpretation placed upon that decision by the various lower Federal courts. Numerous instances of misunderstanding and misinterpretation of the decision on the part of many of the lower courts have already occurred. In a number of cases such misinterpretation on the part of the court has already resulted in the Government's case being dismissed or the Government's having to drop the prosecution of offenders altogether.

In a tax case in Atlanta, Ga., for instance, defense counsel moved for the production of an entire intelligence report after the first Government witness had testified. This witness had testified to details of the raid and the arrest involved in that case from his own personal knowledge. He had also testified that, as group supervisor, he had read the report of other agents who had not testified. The court ordered the production of the entire report. The Government refused to turn over the entire report, but offered instead to delete portions of the report that were not relevant and to turn over to the defendant the remainder. The court would not allow this and dismissed the action on the grounds that any deletion by the Government of nonrelevant parts of the report would not comply with the Jencks decision.

Another case, which clearly points up the necessity for action to remove the misunderstanding in this area, arose in Bowling Green, Ky. In a criminal fraud case involving the FHA, the defense

moved for a pretrial examination of all the documents, exhibits, and statements which the Government intended to use in its case. The court granted the motion, but the Justice Department instructed the United States attorney not to produce the contents of the file. When the FBI agent appeared in court with the United States attorney, the judge asked him why he had refused to turn over the file to the defense counsel. The agent advised the court that he had no authority to make the statements in the file available to the defendant. The court thereupon held the agent in contempt, imposing a fine of $1,000 which must be paid if the agent does not comply with the court's order by October 18.

That case is an example of how far the rule in the Jencks case can be carried. The court has so interpreted the rule as to enable the defense counsel to go through the Government file before the trial has even begun.

In perhaps the most unexpected and startling development, the Jencks decision has been applied to overturn two convictions already obtained, in spite of the fact that in neither case did the defendants move during the trial for the production of the statements of witnesses.

I refer to the ruling of Judge Day, in the District Court in Rhode Island, of August 19, in which the conviction of four kidnapers was set aside and the indictments against them dismissed. The grounds were that the Department had refused to obey an order which not only directed the Government to produce and permit the defense to inspect entire FBI reports prepared by agents who were witnesses at the trial, but also directed the production of written and oral statements of the victim and his wife. The order would have permitted the defense to copy or photostat the reports and statements, as well.

There is no question but that the Government had good grounds to refuse to produce in this case. And yet its refusal to divulge all the contents of its files has given freedom to persons convicted of one of the most heinous of crimes.

Defense counsel everywhere have been citing the decision in the Jencks case wherever the opportunity presents itself in order to pry into the prosecution's file at every stage of the proceeding. In a narcotics case in New York, for instance, the defense has demanded the notes made by the assistant United States attorney in preparing his case for trial. A court in Texas has indicated that, upon a motion by the defense, it will order the Government to produce its entire file for inspection by the defense so that the defense counsel can properly prepare his own case. Most chilling of all, defense counsel for Abel, the alleged Russian superspy, has indicated he will seek to invoke the Jencks edict if it will aid his client.

If this confused state of affairs is not remedied soon, it can have disastrous effects upon law enforcement in this country. It could, indeed, seriously imperil the security of this Nation by disarming our anticrime agencies.

The situation clearly calls for legislation on the part of Congress which will, within the bounds of the Constitution, and, as nearly as possible, within the decision of the Court in the Jencks case, establish rules to guide the lower Federal courts and the parties appearing before them. The bill before us strikes the proper and necessary balance.

H. R. 7915 would establish the following procedure: After a Government witness has testified, the defendant can demand that all previous reports and statements, which have either been signed or approved by that witness, relating to the subject matter as to which he has just testified, be produced for inspection by the court. The court must then determine what portions of the report relate to that subject matter, excise any portions which it deems have no relationship, and direct that the remainder be delivered to the defendant. If the case should later be appealed, all reports which the court had inspected would go to the appellate court, so that it could review the decision of the trial court with all the evidence before it.

I firmly believe the provisions of this bill represent a modest, sound and reasonable solution to the problems created by the Jencks decision. The bill is not intended to nullify or to limit the decision of the Supreme Court, but rather to establish a single workable procedure for the introduction in evidence of statements and reports. It guarantees the defendant access after a witness has testified to those parts of reports previously made by the witness which actually touch on the subject under consideration. At the same time it would protect the public interest by permitting the Government to withhold those parts of such reports which are clearly not related.

Mr. Chairman, there is a compelling need for this legislation now. Almost every day brings news of another instance in which justice has been foiled as another case runs aground on the rocks built up out of misunderstanding of the Jencks case. A great number of cases have been wrecked because the Government has wisely refused to be a party to any Isaak Walton expeditions.

Mr. Chairman, the American people have been alerted to the threat to their security and the security of this Nation posed by the present situation. The ever-mounting correspondence on my desk calls overwhelmingly for action now by this Congress. The President has clearly and vigorously expressed his support of this measure and has urged its enactment during this session. And the deep concern and frustration in the Department of Justice and security agencies of the Government grow with each day we remain idle. To delay any longer could lead to bankruptcy of our law enforcement agencies.

For these reasons I urge the support of every Member of this body for this most vital measure. We have a mandate we cannot in good conscience ignore.

Mr. Chairman, I would now like to read to the Members of the House a letter I received from the Acting Attorney General, Mr. Rogers:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 27, 1957.

Hon. KENNETH B. KEATING,
House of Representatives,
Washington, D. C.

DEAR MR. KEATING: The version of the bill establishing procedures for the production of certain Government records in Federal criminal cases (S. 2377) which was passed yesterday by the Senate contains such serious defects that it contributes little, if anything, to meet the legislative need.

Section (b) of the Senate version would require the Government to produce on demand of a defendant in a criminal case records of prior statements made by a Government witness which have never been signed by the witness or otherwise adopted or approved by him as correct. Such statements which have never been ratified or adopted by the witness could not possibly be used to impeach him. Their surrender by the Government to the defendant was not required or involved by the decision of the Supreme Court in the Jencks case, which was limited to consideration only of statements of witnesses which could be used for purposes of impeachment. Furthermore, the use of the word records in the context in which it appears in the Senate version will inevitably lead to the contention that it includes the Government's internal working papers, including Government counsel's memorandums of interviews, notes, and files of investigative agents, and even the grand jury testimony of witnesses called by the Government. This would be authorization of the very rummaging through Government investigative files that the legislation is intended to prevent.

In subdivision (a) of the Senate version the words "except, if provided in the Federal Rules of Criminal Procedure" are inserted, and this insertion will only cause confusion in the courts. The purpose of the legislation is to spell out the precise circumstances and procedures which entitle a defendant to demand and receive pretrial statements made by a Government witness to an agent of the Government. The legislation will fail of its purpose of producing certainty and uniformity of practice if it fails to provide that the procedures outlined are exclusive. The fact is that the Federal Rules of Criminal Procedure do not require the Government to surrender pretrial statements made by a Government witness to agents of the Government. Consequently, there is no need for the insertion in the statute of the above quoted language, and its inclusion can only cause unnecessary doubt and confusion as to whether the procedures of the statute are intended to be exclusive.

You may be interested in the views of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, who has advised me as follows:

"It is my considered judgment that the enactment of this legislation which has been recommended by the Attorney General is vital to the future ability of the Federal Bureau of Investigation to carry out internal security and law-enforcement responsibilities. The FBI certainly cannot continue to fulfill its responsibilities unless the security of its files can be assured as has been the case prior to June 3, 1957. Prior to that date, informed people knew our files were inviolate. This was a powerful factor in our ability to secure information. Since the Jencks decision, however, we have faced one obstacle after another. We have experienced instance after instance where sources of information have been closed to our agents because of the fear that the confidence we could once guarantee could no longer be assured. We have also experienced a re-

luctance on the part of numerous citizens to cooperate as freely as they once did. This, of course, is understandable when photostats of statements and documents taken from the files of the FBI and made available pursuant to the Jencks decision have actually fallen into the hands of the Communist Party. While the need to protect confidential sources of information and investigative techniques is at once apparent, there is an equally compelling need to protect innocent individuals whose names inevitably crop up in an agent's investigative report and who on occasions must be the subject of investigation to establish truth or falsity of statements made pertaining to them. I, for one, would vigorously oppose the unwarranted release of such statements which would not serve the interests of justice and which inevitably would not protect the rights of a defendant."

H. R. 7915, as reported with amendments by the House Judiciary Committee on July 5, 1957, contains none of these defects. Its provisions are completely fair to defendants, while at the same time providing adequate protection for FBI and other Government files. It is considered by the Department to be a far more accurate statement than the Senate version of the procedure contemplated by the majority of the Supreme Court in the Jencks case. The Department of Justice strongly urges the passage by the House of H. R. 7915 as reported with amendments by the House Judiciary Committee on July 5, 1957, and opposes the adoption of S. 2377 in the form in which it was passed by the Senate yesterday.

Sincerely,

WILLIAM P. ROGERS,
Acting Attorney General.

I urge that this bill which we have before us today which does strike this fair balance between the protection of the files of our investigative agencies and the protection of the rights of every defendant who comes before the court receive the overwhelming approval of the Members of this body.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Briefly.

Mr. CHELF. I agree fully with the gentleman and am entirely aware of the terrific job that he has done in this field. I want to congratulate him and commend him for the work he has done and to ask him whether or not if we must err, for heaven's sake, should we not err on the side of America? Of course, we do not want to err, but if we must err, would it not be preferable to err on the side of protecting America?

Mr. KEATING. I do not think we do err in the terms of this bill.

Mr. CHELF. I do not, either.

Mr. KEATING. I entirely agree with the gentleman's position.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman.

Mr. YATES. When the gentleman read the Attorney General's letter, I was struck by the fact that the Attorney General stated that he disagreed with the version of the bill passed by the Senate, because it went too far. He said it allowed examination of oral reports, which is something the Jencks decision did not approve. I now read from the Jencks decision:

We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI touching the events and activities as to which they testified at the trial.

In this respect the Senate bill differs from the bill which is presented to the House today. The bill presented to the House today would permit a defendant to examine only written reports by a witness who is testifying against him at the trial; is not that correct?

Mr. KEATING. It is my opinion, and it is the opinion of the Attorney General, that in the Jencks case there was only a holding that the Government would have to produce statements which had been identified and approved in some formal way by the witness who was before the court; either signed by him, initialed by him, or taken down in a question-and-answer form and then approved by him. It was never intended that there should be turned over to the defendant any document which could not be used to impeach the credibility of the witness.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. FASCELL. I would appreciate it if the chairman of the committee could answer this question; whether the bill before us now modifies rule 16 or rule 17C of the Criminal Procedures.

Mr. CELLER. Yes; it does. There is express language in the bill on page 3, lines 8 to 10 we have the following:

In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding.

Mr. FASCELL. Of course, that would have the effect of modifying the existing rule if, in fact, the language which follows does modify the existing rule.

Mr. CELLER. It affects the rule of discovery, rule 16 and rule 17C, I think it is. It militates against what we always call, what the gentleman in his practice calls, the rule of discovery. That is, the defendant shall have the right to a pretrial discovery of any statements that have been made by any prospective witnesses so that he can prepare for his defense. That is in the Rules of Criminal Procedure. Under the amended bill all pretrial discovery proceedings will be wiped out. The only time a defendant will be able to secure any Government record is after the witness has testified at the trial and not before. This bill does all that.

Mr. FASCELL. Will not the gentleman yield further, then? Perhaps I misunderstood. I am trying to get this clarified in my own mind.

Mr. CELLER. The gentleman is taking a great deal of my time in general debate. Will not the gentleman wait until we get to the 5-minute stage?

We heard much this afternoon that this bill would open up the FBI files to saboteurs and espionage agents, and that secret discussions that go on which are embodied in the FBI files would be opened up to spies, and so forth.

I defy anybody to point out to me in the Jencks case anywhere where anything like that is indicated. In truth and in fact, in the Jencks case you have this very significant language on pages 12 and 13:

In the courts below the Government did not assert that the reports were privileged against disclosure on grounds of national security, confidential character of the reports, public interest, or otherwise.

Where do you find any kind of implication that in this Jencks case there were involved secret files, files impinging on our national security? That is denied by this very language I have just read. So that this great house that has been built up by the gentleman from New York [Mr. KEATING] just falls to the ground.

Now, has the Department of Justice protection presently against disclosure of secrets or secret files? Has it protection against prying into those files? Let us read the record again. On page 13 the Court had this to say:

It is unquestionably true that the protection of vital national interests may militate against public disclosure of documents in the Government's possession. This has been recognized in decisions of this Court in civil causes where the Court has considered the statutory authority conferred upon the departments of Government to adopt regulations "not inconsistent with law, for * * * use * * * of the records, papers * * * appertaining" to his department.

Then significantly the Court states:

The Attorney General has adopted regulations pursuant to this authority declaring all Justice Department records—

Including FBI records—

declaring all Justice Department records confidential and that no disclosure, including disclosure in response to subpena, may be made without his permission.

Whose permission? The Attorney General's permission. That means the FBI situation, and whether or not it wishes to have the records made public. You must first get the permission from J. Edgar Hoover and/or the Attorney General before you can make any disclosure. What more protection is there for FBI files than that?

A whole hullabaloo has been made over this situation. There is nothing in here concerning national security, but there are emanating, unfortunately, from the FBI great waves of propaganda that indicate to the contrary, that there are national security records involved in the Jencks case.

There are none—so the Court said. The bill before us is aimed at confidential matters contained in FBI files and their preservation. That is what the report says which accompanied the bill. FBI files, as I indicated, are now protected if they impinge in the slightest degree on the national security. I do not think the FBI should unduly endeavor to influence legislation, as they have done in this instance. The FBI is a nonpolitical entity and should not exert pressure on Members or through

the press. I have great respect for a really and genuinely dedicated public servant, J. Edgar Hoover, and the FBI. But public relations on Capitol Hill should not be the forte of the FBI. That kind of approach can boomerang. I hope the FBI will not again indulge in this vast propaganda that has been generated to support this bill. They propagandized on the ground that the national security is involved and on the ground that the Jencks case is opening up these records to spies and espionage agents and saboteurs. These forebodings are unwarranted.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LAIRD. I just want to ask the gentleman from New York about this pressure that he talks about from the FBI. I have seen no pressure from the FBI with reference to this legislation. I think the Hearst newspapers have done a magnificent job in bringing this problem to the attention of the public, but I have seen no pressure from the FBI.

Mr. CELLER. I think the gentleman is very naive if he has neither seen nor heard of any pressure.

Mr. Chairman, there is a very dangerous provision in this bill. Page 3, lines 8 to 14, contains a very dangerous provision. It is as follows:

(a) In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection,

Now, what does that mean? I tried to indicate before some illustrations of that. Take an antitrust suit, let us say, against General Motors or against the ABC Corp. It is a criminal prosecution for antitrust violation. The Government could seize or subpena the records and papers of any and all competitors of the General Motors Corp., or the ABC Corp., because person used in the bill means corporation. These papers that have been seized could be rendered impervious to the grasp and ken and vision of the defendant corporation. They are possessed by the Government. This provision I have read is broad enough to prevent the defendant corporation from even seeing those documents under the rule of discovery as we know it, rule 16 and rule 17 of the Criminal Rules of Practice. That is all changed by this bill. Therefore, what happens? You render it impossible or impractical or most difficult for a defendant in criminal prosecution for an antitrust violation, for example, to defend himself.

That is what you are doing here. The Senate bill has no such provision, and at the proper time I shall offer as a substitute the Senate bill, with that provision which I have read, eliminated as far as persons or corporations are concerned. Take for instance an income tax case. Any one of you might be caught in the switches. You might unfortunately be held for an income tax violation. An indictment has been brought against you. Under this very broad provision the Department of Justice, bent on getting a conviction and only bent upon getting a conviction, could subpena the records in possession of your accountant or some of your creditors or some of your debtors, and you would not get these documents that could be used to exculpate yourself, prove your innocence. You might only have the right to see these documents or evidence at the time of trial—too late for proper preparation for trial. That is what would happen. That is what you are voting for. I ask you to be very careful before you enter into that kind of danger and vote for such a provision.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. BELCHER. As I understand it, these records would be subject to being delivered to the court, unless they were records that had been taken from a witness which the Government was using in the prosecution. Is that not correct?

Mr. CELLER. Right. They would be presented in camera; in secret; in chambers of the court. The defendant could not see them until then—too late for effective preparation. The defendant would be at a dreadful disadvantage.

Mr. BELCHER. But unless the Government was using your own accountant to prosecute you, it would not be subject to this rule?

Mr. CELLER. Why not? It says "any person." There is no limitation.

Mr. BELCHER. It says "to impeach witnesses which the Government has been using."

Mr. CELLER. No; it does not say that. It does not say that. I would not be complaining if it had those limitations on it. I would not be complaining even then if they had a limitation limiting this whole matter to sabotage or espionage or treason. But this covers the waterfront. It covers any criminal prosecution. It covers any person other than the defendant.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. What the gentleman has in mind is that by the wording of this bill it would do away with those rules of criminal procedure wherein the Government, having seized my property, there are rules that authorize that it will be returned to me; but if we adopt this very section to which the gentleman has referred, then it does away with that theory altogether, and we are bound by this particular section and none other.

Mr. CELLER. The gentleman is absolutely right. The gentleman is as right as rain in his conclusion.

Now, we heard a great deal about the lower court interpretations of the Jencks decision. There are interpretations both ways, but laterally judges are commencing to get the full import of the Jencks decision and they are deciding exactly as the Department of Justice wishes. A judge in my own bailiwick, Judge Palmieri in the United States District Court for the Southern District of New York, ruled exactly the way the Attorney General wanted. Another judge, George H. Moore, of the eastern district of Missouri, ruled exactly the way the Attorney General wanted in his interpretation of the Jencks case. In a Veterans' Administration fraud case, a Federal judge ruled exactly as the Department of Justice wished, and what more does the Department want? There have been one or two decisions which have gone against the Department. They were unfortunate decisions. The judges should not have misinterpreted the Jencks decision, but time is healing all that. Real intelligence and the proper interpretation of the Jencks decision is dawning upon judges throughout the length and breadth of the Nation, and the new decisions are proper. Now we are rushing in to change all that. It is hoped we will not do so. Let these cases go up on appeal. Let our appellate courts rule first what the Jencks decision really means. Why the haste?

I do hope, therefore, that the bill will be changed in accordance with the Senate version. At the proper time I shall offer the Senate version as a substitute.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. CURTIS].

Mr. CURTIS of Massachusetts. Mr. Chairman, as a member of the Committee on the Judiciary so ably presided over by the gentleman from New York [Mr. CELLER], who has just spoken, it is a real disappointment to find that he has changed his views since his committee reported this bill, as I remember, well nigh unanimously.

I realize, of course, that other events have taken place since then, and that the other body of the Congress has taken a somewhat different point of view, but I submit that the Members of this body have taken a very sound point of view on this legislation, and I certainly hope this body will not bow to the results of the other body without at least a conference between the two branches.

Mr. Chairman, I wondered if I was dreaming when I read the statements in the papers about the damage to the FBI files which would take place if some remedial action were not taken, because the gentleman from New York [Mr. CELLER] got up here and tried to tell us that that was all some sort of a nightmare; that, in fact, those files were inviolate and in no danger; and he read us a portion of the Jencks decision which I would like to reread because of a very interesting statement that follows what he read. I read to you the statement which he read, and I am quoting from page 13 of the decision:

The Attorney General has adopted regulations pursuant to this authority declaring all Justice Department records confidential and that no disclosure, including disclosure in response to subpena, may be made without his permission.

We are told that therefore these records are inviolate. But let me remind you of what the Court went on to say in the next sentence where it quotes with approval the following statement:

The Government can invoke its evidentiary privileges only at the price of letting the defendant go free.

Of course, the Government had a privilege as to these files, but it cannot

assert its privilege and at the same time prosecute those who are trying to subvert and practice treason against the United States.

The gentleman from New York also argued that the files of the FBI were not concerned because the Government did not assert its privilege in this case.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CURTIS of Massachusetts. Can the gentleman from New York [Mr. CELLER] yield me more time?

Mr. CELLER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. CELLER. I yield my 2 minutes to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. I thank the gentleman.

Mr. Chairman, the Government did not assert its privilege because if it did it would lose the case.

As showing the danger to FBI files, let me quote what the Court said in the Jenck's case:

> We now hold that the petitioner, that is, the defendant in the case, was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

Those were two confidential agents of the FBI. The Court goes on to say that the petitioner is entitled to inspect such reports.

So in conclusion, Mr. Chairman, I hope this body will support the action of its Judiciary Committee; and I would like to agree with my colleague, the gentleman from Kentucky [Mr. CHELF], that if we are going to err, we should err on the side of the United States.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, about the only thing I can contribute to this debate that will help you form a decision is the fact that I was in charge of Federal prosecutions for crime in North Dakota for a number of years, and I have had experience in court. All the commotion about finding fault with the Supreme Court has risen from the fact that they have very few lawyers on that Court. If they had as good lawyers as I can pick out in this House this afternoon, some of these decisions would not have been rendered.

In prosecuting these criminal cases I discovered that the records I had, both accumulated by the FBI and myself and our State organization, contained the names of those I was going to use as witnesses. If a defendant was in court being prosecuted and he wanted to find out just what this witness had said in the record—whether he was telling the truth or not—if he could get hold of that record there would not be any more lawsuit because I have seen the time when I refused to call a man as a witness because I knew they would kill him. We are right out there where they do business. I refused to call him. But the mere fact they saw him going to the Federal district attorney's office was enough. That night he was killed.

Well, now, if you open up these records and find the names of 8 or 10 that maybe have some reference to the case, and they can get hold of those names, the next time there will not be any names in there. They will not contribute any information, because they would rather live than be shot. If you had experienced men on the Supreme Court of the United States that had been through all of these battles in trials you would not have any ridiculous decision like that to turn over all of the information to these whisky runners and murderers.

You can take your choice. You can turn this down or you can leave the law where it was before the Supreme Court forgot their duty as interpreters of the law and started to legislate. We must not turn this great Government over to Murder, Inc.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I would like to take my time to call attention first, to what exactly the Jencks ruling did and what our committee attempted to do to clarify that decision and to discuss some of the things that have been said with regard to this matter.

First, what did the Jencks case do? There principally were two rules of law of long standing changed in the Jencks decision. The first is that the defense was entitled, without laying a preliminary foundation of inconsistency, to an order directing the Government to produce for inspection all reports of Matusow and Ford, in its possession, written and, when orally made, as recorded touching the events and activities as to which they testified at the trial. That is the first thing it did.

I want to point out to those who are concerned about the rights of the defendant, the rights of the accused and the rights of the individual as compared and apparently are superior in some way to the rights of society, that our committee has done a constructive job in protecting individual rights in that it has written into this bill this additional rule of evidence as stated by the Court which had not theretofore been the law of the land to protect the rights of individuals. That is in this bill although I do not necessarily agree with this new rule of evidence.

Secondly, what did the Court do? The Court said that the defense is entitled to inspect the reports to decide whether to use them in his defense and the practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. The determination of what should be included in the trial of the case is not to be determined by the judge himself. The new rule is, it shall be determined by the defendant.

This rule is inconceivable, and as the the distinguished gentleman from Louisiana pointed out, that at no time in the past history of our jurisprudence the defendant has been the one who has been entitled to search through all the files of the FBI or any other Government agency for the purpose of determining what in his opinion is relevant to the case. That has been within the sole discretion of the judge.

All this bill does is to retain discretion where it has been for the last 160 years, that is, in the judge himself. That is what this bill does.

Now why is this legislation important? It is not because the FBI or J. Edgar Hoover or anybody else is raising a fuss about it. It is because of the decisions of the lower courts releasing many defendants. It is because the Jencks case decision was so broad in its scope and so hard to interpret in many respects that the lower courts themselves have in many instances completely misinterpreted, I believe, the intention of the Court. Let us read just 2 or 3 of the sentences of the Court. The Court alludes to reports when it says:

> Relative statements or reports in the possession of the Government should be turned over to the defendant.
>
> * * * statements orally made as reported by the FBI.
>
> * * * entitled to inspect the reports to decide.

The lower courts in reading the decision have so interpreted it as a matter of fact that since the decision has been handed down there have been some 17 criminals who have been permitted to go scot-free because the FBI did not feel that they could make known to the defendants and to the general public their methods and procedures and the informants they used—17 defendants. That is what we are trying to correct. I say to you this is an essential bill, it has been thoroughly considered, and it protects the rights of the defendant while recognizing the essentiality of also protecting the FBI law-enforcement methods necessary for the protection of the public.

Mr. KEATING. Mr. Chairman, I yield the balance of the time to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, the very honorable chairman of the Committee on the Judiciary has pointed out in detail two particular reasons why he feels that this legislation perhaps is hasty. The gentleman from Massachusetts [Mr. CURTIS] has very capably, I believe, met one of the arguments of the distinguished chairman of the Committee on the Judiciary in that he said this: That the Attorney General has the prerogative of stating or electing not to disclose any of the confidential information contained in the files of the case.

The gentleman from Massachusetts went on to say, and pointed out the fact that if the Attorney General makes this election, he loses his case because the Government can only invoke the evidentiary privilege at the price of letting the defendant go free.

That is the Supreme Court speaking. The gentleman from New York also read to you paragraph (a) of the bill we are considering. He said:

> In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which

is in the possession of the United States shall be the subject of subpena.

He stopped there. He did not say "except as provided in paragraph (b) of this section."

And paragraph (b) is the germane section, the section which attacks the Supreme Court decision and protects the rights of the defendant in our courts, when it says:

After a witness called by the United States has testified on direct examination, the Court shall, on motion of the defendant, order the United States to produce for the inspection of the Court in camera—

Naturally, in private—

such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified.

If I may respectfully refer you to the Court's opinion, I think the Court has pointed out to us very pointedly what it wants us to do. On page 15 of the decision of the Supreme Court in the Jencks case, the Court says:

The burden is the Government's, not to be shifted to the trial judge, to decide whether the public prejudice of allowing the crime to go unpunished is greater than that attendant upon the possible disclosure of state secrets and other confidential information in the Government's possession.

Actually a number of the members of this committee know and fully appreciate the rule stated by the Supreme Court, on page 14, when they say:

The rationale of the criminal cases is that, since the Government which prosecutes an accused also has the duty to see that justice is done, it is unconscionable to allow it to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to his defense.

In the legislation we are debating today, the defendant is protected and it does not deprive him of anything which might be material to his defense. In order to protect the files of the FBI, this bill must be passed in its present form as the best interest of our country demands it.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOORE] has expired.

Mr. POFF. Mr. Chairman, as one of the authors of legislation designed to accomplish the objective of H. R. 7915, I endorse the bill as reported by the Committee.

On June 3, 1957, in the case of *Jencks* v. *United States* (353 U. S. 657), the Supreme Court held, among other things, that, for purposes of discrediting Government's witnesses, defendants in Federal criminal prosecutions are entitled to inspect "all reports of Government witnesses in its possession touching the events and activities to which the witnesses testified at the trial." Conflicting interpretations by lower Federal courts as to the meaning of this statement and the necessity for a procedure which will be uniform throughout the Federal court system resulted in the introduction of legislation by several Members of Congress seeking to clarify the effect of this decision.

The problem which arises from the above holding of the Supreme Court is the insistence of some—although not all—lower Federal courts that entire reports of FBI and other Federal investigative agencies, such as the Narcotics Bureau and the Alcohol and Tobacco Tax Division of the Treasury Department, the Bureau of Immigration, the Defense Department, etc., be handed over to defendants even though only a small part of the reports relates to the pertinent testimony of Government witnesses. Under such circumstances, it is possible for confidential Government files containing information relating to the public interest, welfare, safety, and otherwise, to be disclosed even though such confidential and vital information has no material bearing on the case. Such insistence could lead to broad and harmful expeditions among documents possessed by the Government for purposes which have no direct bearing on the criminal prosecution for which they have been ordered produced.

To understand the seriousness of the situation, it is important to know what Government reports may contain. For example, reports of the FBI cover the full investigation of every phase of a case. They include not only interviews with possible witnesses but information received from confidential sources, volunteered statements, and all other information that has been obtained from the start of the investigation through the preparation of the case for trial. The reports necessarily include raw material of unverified complaints, allegations, and information. In some investigations it is necessary for the FBI to secure the most intimate details of the personal life of a victim of a crime to aid in the identification of the wrongdoer. Much of this information may subsequently prove to be wholly immaterial to the ultimate outcome of the investigation. Nevertheless, it is in FBI reports, and properly so, since FBI investigations record all information received, whether relevant or not and whether verified or not. The interpretation of some courts ordering the production of these reports in their entirety could seriously handicap the law enforcement of our Government agencies, in that, in addition to the disclosure of vital confidential information, the reports would also reveal law-enforcement techniques, intelligence sources, and the names of confidential informants, and could injure the reputations of innocent persons who have no real connection with the inquiry but whose names found their way into Government files because investigators who, in the interest of doing a thorough job, included them.

The Department of Justice, while accepting the main holding of the Jencks case, has expressed the view that by reason of what it considers loose interpretation by lower Federal courts of the Supreme Court decision, it is placed in a position where, if legislation is not introduced, it will have to abandon the prosecution of worthy cases in order to safeguard confidential information in the files of the Government.

Under the instant legislation, which the Department of Justice supports and the language of which it in fact suggested, a defendant in a Federal criminal prosecution, while he will be entitled to see pertinent reports and statements of Government witnesses which the Government has in its possession, he will obtain, instead of the entire reports or statements, only those portions which relate to the testimony of the Government witnesses at the trial. It should be emphasized that this legislation in no way seeks to restrict or limit the decision of the Supreme Court insofar as constitutional due process of a defendant's rights is concerned. While defendant will be entitled to pertinent portions of the reports and statements of Government witnesses which the Government has in its files, he will not be entitled to rummage through confidential information containing matters of public interest, safety, welfare, and national security. He will be entitled to so much of the reports and statements as is relevant to a witness' testimony for the purpose of attacking the witness' credibility. The instant legislation, in securing this entitlement to defendant, authorizes the trial court to inspect the reports and statements and determine what portions thereof relate to the subject matter as to which the witness has testified and to direct delivery of those portions to defendant for his use in the cross-examination of the witness.

There is nothing novel or unfair about such procedure, as Mr. Justice Burton notes in his concurring opinion in the Jencks case. According to Wigmore, and as quoted by Justice Burton, such a procedure is customary:

It is obviously not for the witness to withhold the documents upon his mere assertion that they are not relevant or that they are privileged. The question of relevancy is never one for the witness to concern himself with; nor is the applicability of a privilege to be left to his decision. It is his duty to bring what the court requires; and the court can then to its own satisfaction determine by inspection whether the documents produced are irrelevant or privileged. This does not deprive the witness of any rights of privacy, since the court's determination is made by his own inspection, without submitting the documents to the opponent's view (VIII Wigmore, Evidence (3d ed. 1940), 117–118).

Such provisions as this legislation contemplates effect a two-fold beneficial purpose. It protects the legitimate public interest in safeguarding confidential governmental documents and at the same time it respects the interest of justice by permitting defendants to receive all information necessary to their defense.

Mr. Chairman, I respectfully urge favorable action on this legislation.

Mr. BOSCH. Mr. Chairman, I and many other Members of this body, as well as the American people, have been seriously disturbed by the usurpation of Congressional authority by our highest tribunal. the Supreme Court of the United States. No one who is of the legal profession has a greater regard for the separation of the various branches of Government than do I, but I feel most strongly that this usurpation of Congressional authority by the Court is consti-

tutionally wrong, but, even to a greater degree, seeks to alter our system of government. The Jencks case is without doubt one of the outstanding examples in a long series of decisions of more legislative than judicial reasoning.

Prior to the introduction of my bill, H. R. 8243, dealing with this subject matter, I carefully read and analyzed the recent decisions of the Court, including the Jencks decision which appeared on the United States Supreme Court Calendar No. 23, October Term 1956, and in which decision was rendered June 3, 1957. I am of the opinion, Mr. Chairman, Mr. Justice Brennan, when he refers to the decision of Chief Justice Marshall in the *U. S.* v. *Burr* (25 Fed. Cas. 187), as a precedent, was in error for, as I see it, the opinion in that case, when read in toto, sustains the position of President Thomas Jefferson against Aaron Burr who wanted him held in contempt for failure to show a letter written by Attorney General Wilkinson relating to Aaron Burr's treason. In substance, this decision upholds the contention that the Federal Bureau of Investigation should have been compelled to submit informants' reports, some of them from FBI agents who were doing their patriotic work in the suspected organization of which Jencks was a former official in order that Jencks might compare this secret information with the trial testimony of the informants. It was only after serious thought and consideration, having in mind the long-standing rule that it is up to the trial judge to determine whether the defendant shall be allowed to examine relevant reports which incidentally is the precedent referred to in the dissent in the Jencks case, read by Mr. Justices Burton and Frankfurter, that I introduced H. R. 8243.

Mr. Chairman, I support H. R. 7915, the bill under consideration even though I might be happier with an even stronger piece of legislation. Its purpose simply, as stated in the report, "It protects the legitimate public interest in safeguarding confidential governmental documents and at the same time it respects the interest of justice by permitting defendants to receive all information necessary to their defense." I believe it is imperative that this legislation be overwhelmingly adopted as an expression by this body of its support of the long-established rules of jurisprudence and to uphold the hand of the Federal Bureau of Investigation in its ever-engaging fight against the subversive and criminal elements in our great country. To put it bluntly and clearly, Mr. Chairman, this bill is in the interest of our national security.

Mr. O'HARA of Illinois. Mr. Speaker, I regret that this measure is coming before us apparently as part of a two-piece package. On the day the Rules Committee voted a rule for the civil-rights bill it also voted a rule for a bill which is regarded by those opposing the civil-rights bill as a slap at the Supreme Court of the United States. On the same day the two bills are brought before us for brief debate and for passage. We have been in session since the first week in January; and now late in August in one day and in a couple of hours of debate we are to pass upon measures of large importance. It may be said by some that the bill now under consideration is not intended as a measure in criticism of the Supreme Court of the United States. But it is to be noted that many of those who are most ardently pressing for its passage with the most meager debate, are those who most ardently fought the civil-rights bill to the bitter end.

I trust that the committee will accept the Celler amendment. For that amendment, which is substantially the bill, passed by voice by the other body. I can vote in good conscience.

I do not like one provision that I, as a defense counsel in many trials, would regard as prejudicial to the defense of innocence.

I might say that in the many times that I have stood before juries in the defense of persons under indictment I never have represented a defendant of known or suspected professional criminal type. I have represented persons who had been caught in webs of circumstance, many times persons without the means to dig up the evidence to dissolve those circumstances, and I have sincerely felt every time that I addressed a jury that I was defending innocence. In most cases all that I had to work with was the fact that truth, given an opportunity to reveal itself through the laws of evidence intended to protect innocence, would rise to defend against a false chain of circumstance one who had lived and acted by the truth.

It is the duty of the prosecutor, whether it be in a State or a Federal court, as much to defend innocence as to convict the guilty. That is in the spirit and of the essence of American justice. When the prosecution puts on the stand a witness to swear away the life or the liberty of a defendant it is in the very spirit of justice that for purpose of protection against false testimony it should furnish the defense with the statements in its possession made by the witness that might be contrary to the statements at the time of trial.

It is proposed that the court can order the Government to present to the court's scrutiny previous statements of the Government's witness, and that in the failure of the Government to comply with such order of the court, the evidence of the witness may be stricken and the jury instructed to disregard.

But, Mr. Speaker, juries are human. When jurors are told a damaging story, one that may impress them deeply, they do not easily dismiss it from their minds. Even though they conscientiously seek to follow the instruction of the court to disregard the evidence given, there remains in their subconscious minds a motivating memory of that which with their own ears they had heard and from a witness who at a previous hearing or on a previous occasion may have made statements entirely contrary, but which were not brought to their attention and their hearing because the Government had refused to comply with the order of the court. It is this provision that I think with greater study could be perfected with less likelihood of injustice to innocence resulting.

The situation that we face did not result from a decision of the Supreme Court that would expose the files of the FBI that should not be exposed. It arises from the fact that some district courts have gone astray, and altogether too far astray, in their interpretations of that which the Supreme Court intended and actually said. This brings us face to face with a situation that is realistic and should have our best thought and attention in order that district and circuit courts in erroneous interpretations may not do further havoc before the Congress has met in a second session and before the matter can go back to the Supreme Court for further clarification.

I, like every other lawyer who has practiced in both State and Federal courts, have found some State judges and some Federal judges stubbornly grounded in their prejudices and in their own slanted interpretations of laws. During the early Roosevelt years, when the Congress was enacting many new laws that now are the accepted bulwarks of our welfare, I knew of one Federal district judge who on every occasion immediately found some litigation to give him the opportunity to declare unconstitutional a law passed by the Congress of the United States. As I recall it, there were more than 10 such occasions, and of the many laws this district judge so promptly found unconstitutional, not one failed to pass the approving scrutiny of the Supreme Court of the United States. So I know how far astray a district court can go, even though I say in all fairness, and in order that I may not be misunderstood, that I have known precious few judges, whether in State or in Federal courts, who did not measure up to the highest standards of integrity and of judicial deportment. But a few stubborn men can do a lot of mischief on and off the bench.

So, Mr. Speaker, I repeat that I in good conscience can support the Celler amendment taken as a whole. It was never the contention of the Supreme Court of the United States, as I read its words, that the files of the FBI should be opened for all the world to see. Everything that has been said on that score I agree with. Certainly if the FBI has gathered information that protects our country and our people from sedition, from subversive activities and from crimes, and it is unrelated to the specific testimony given by a Government witness in a criminal case, it should enjoy the privacy that it requires in protection of its usefulness and of the persons from which it was obtained. The Celler amendment will protect fully that privacy. It will act as a stopgap to prevent abuses springing from the erroneous interpretation of the Supreme Court's decision until the Court itself can clarify its language or the Congress after hearings by the Judiciary Committee of the length and scope demanded by prudence and the concepts of good lawmaking can make wise and constructive changes.

No matter how it is disguised, the import of the bill under discussion is to slap by implication at the Supreme Court

of the United States. It is part of a two-price package. The import of the Celler substitute bill is to meet the situation arising from erroneous interpretations by lesser courts, to protect the legitimate privacy of the FBI files from invasion threatened by such misinterpretations and at the same time to maintain unsullied and unweakened the authority of the Supreme Court of the United States and the safeguards of innocence that are part and parcel of American justice.

Mr. METCALF. Mr. Speaker, it is apparent that there has been considerable confusion as to the precise results of the Jencks decision. During the I have been pleased that some of the course of the debate here on the floor intemperate attacks that editorial writers and some columnists have made on this decision have not been repeated. Actually, as I read the case, the decision of the Supreme Court was a very correct one and one that was on a narrow issue.

Harvey Matusow, a self-confessed perjurer, and now under sentence for perjury, was one of the professional witnesses who testified against Clifton Jencks and whose testimony helped secure a conviction in the Jencks' case. Matusow testified that he had made oral and written statements to the FBI about Jencks. The Supreme Court held that the defense was entitled to an order of the trial court directing the Government to produce all reports made by Matusow and, one, J. W. Ford, as recorded, touching upon the events and activities which were the subject of their testimony at the trial. The decision specifically bars any broad or blind fishing expedition among documents possessed by the Government.

The Matusow chapter is one of the blackest in recent history of the Justice Department, and has dramatically pointed up the dangers to the rights of individuals in the use of paid informers and professional witnesses upon which to base a Federal conviction. The Supreme Court decision reaffirms the right of the individual American citizen fighting for his life or liberty to have access to the evidence in the possession of the prosecutor that is necessary to his defense.

I have read some of the statements that have emanated from the Department of Justice since the Jencks decision was handed down and I am unable to read into the decision a good many things the Attorney General says that he finds there. I am glad to learn that my colleagues on the Judiciary Committee also have been unable to foresee the dire results of the Jencks decision that have been forecast by some.

But, they say, as a result of the decision there have been various conflicting interpretations within the same circuit and sometimes within the same district so that it is necessary to have legislation to straighten this matter out. In fact the legislation proposed does just about what the Supreme Court decision did. It does adopt the majority principle of the Jencks decision insofar as it requires the Government to produce the reports of a Government witness either written, or when orally made, as recorded, touching the events and activities about which the witness has testified at the trial.

However, the legislation before us proceeds to write the rules under which the disclosure shall be made. I submit that this is within the prerogative of the judiciary under broad, general legislative principles heretofore adopted. There are State jurisdictions where the rule making power is in the legislature. My own State is one. But the Federal courts and their judicial councils exercise rule-making power for those courts under specific legislative grant. In principle and logic that is a better way, in my opinion. We can rely upon the sound exercise of this rulemaking power to protect the rights of the people of the United States, as the complainant in a criminal action, and at the same time to preserve the traditional American rights of the accused.

Frankly I am not sure whether this legislation does preserve basic rights of the accused or not. I have listened to the gentleman from Colorado [Mr. ROGERS] and the gentleman from New York [Mr. CELLER] and I am impressed with their arguments that this legislation does change rules of procedure.

As I read the Jencks case and see that the basic principle of the decision is, by and large, in accord with this legislation I am reluctant to vote for a bill that might change the decision or the rules of procedure under which it was promulgated. It seems to me that the orderly way is to let the customary and traditional judicial process formulate the body of law around this decision, just as the law has been built around other decisions of the Supreme Court and interpretations of procedural matters. If, after mature consideration of the Supreme Court's interpretations and the district court procedures, the Congress does find that a change in the basic legislation is necessary then such a change can be made after a greater opportunity for study and consideration is given the Members than has been given us here today.

To me the case for urgency has not been proven. The case for careful deliberation of such a matter as affects basic constitutional liberties is always with us. Therefore, I shall vote against H. R. 7915.

Mr. COFFIN. Mr. Chairman, in deciding to vote with the small minority against H. R. 7915, which was devised to correct misunderstandings in the wake of the Jencks case, I was reminded of, and influenced by, the example set by Maine's great son, William Pitt Fessenden, who, notwithstanding popular clamor to impeach President Andrew Johnson, cast the first Republican vote of not guilty.

On questions of great moment, one is answerable in the final analysis only to his conscience. In my opinion, H. R. 7915 was such a question. It raised not only the issue of immediate wisdom but the issue of the way we have devised and maintained a Government which has at its best moments preserved and strengthened, rather than eroded and weakened, a separation of the powers of the executive, the legislative, and the judicial branches.

During my period as a Federal law clerk and as a frequent practitioner of the law in the Federal court of Maine, I suppose that I became as familiar as most lawyers in my State with the Federal Criminal and Civil Rules of Procedure. They have proved eminently successful because they were adopted only after an exhaustive consideration by both bar and bench. Each successive change in these rules has been made only after thorough exploration and discussion by the judicial council, and the bench and bar generally. In no instance, so it was revealed in the debate, since the inauguration of these rules, has Congress attempted to work its will on the body of rules so carefully wrought.

Now, in a near frenzy over the prospect of delay or acquittals during the next several months, we set ourselves the task of legislating a rule of court, during the hectic last-minute rush of this session, without having conducted any hearings in depth, without seeking or gaining the reasoned advice of bench and bar. And, allowing only 1 hour of general debate, we expect to add to the dignity and effectiveness of our system of justice.

The debate, short though it was, illuminated that the task we set ourselves was too much. Despite the protestations in the committee report that rules 16 and 17 (c), providing for discovery and subpena procedures, were not affected, it is clear from a careful reading that they are substantially changed. One example will suffice. Rule 16 allows the defendant a pretrial inspection of "papers * * * obtained from others by seizure or by process" which are in the custody of the Government. H. R. 7915 would prevent a defendant from inspecting before trial any paper in the hands of the Government, which comes from any other person than the defendant. This means that a corporation, sued in an antitrust action, could not have, as it now does have, the right to inspect documents of a competitor, either voluntarily given to or seized by the Government. This means that a businessman, sued in a wages and hours case, could not inspect, before trial, documents or receipts of allegedly aggrieved employees. Or, in an income tax evasion case, the accused taxpayer could not inspect, before trial, invoices or receipts of others as to his income or expenditures. These examples illustrate how far reaching this seemingly simple legislation is, and how profoundly it alters the existing rules.

I voted for the version of this legislation as it passed the Senate, because I felt that the existing structure of the rules had been left more nearly intact. Even then I did so most reluctantly, because I felt that this was not the way to proceed if we are to insure continued balance, practicability, and justice in these rules.

I have the conviction that in the long run the people of this country will reaffirm, as they did when an attempt was made to pack the Supreme Court, their faith in the Court as the irreplaceable guardian of the system of justice that has nurtured our greatness. In times to come they will look back on this as an ill-advised attempt to pack the rules of our courts.

We are being naive if we believe that the next 4 or 5 months will see the wholesale acquittal of subversives or other desperadoes. At the most there will be delay in bringing cases to trial. That delay, if used—as it certainly should and could be used—to invoke the judicial council and the advice of bench and bar throughout the country, is indeed a small price to pay for the sane and orderly improvement of our system of justice. The legislative cure is likely to prove a wonder drug leaving after effects worse than the ailment it seeks to remedy.

Mr. BECKER. Mr. Chairman, it is my firm conviction that this legislation will, for the time being at least, correct the ill effects of the Supreme Court decision affecting the disclosure of the FBI files.

In listening to the debate today, I am reminded that, through my years as a member of the New York State Assembly and since I have been a Member of the House of Representatives, every time legislation comes on the floor affecting the Communist conspiracy, the greatest legal, technical debate takes place. In no other legislation to my knowledge do the legal technicalities arise that have been injected here today.

I want it understood that I believe those arguing in opposition to this legislation have the best interests of our country and its security at heart. Nevertheless, I firmly support this bill as reported by the committee and, if any difficulties should arise in the near future, the Congress will be back in session again and can correct them, if necessary, but it is essentially vital for the internal security of our Nation that this legislation be passed at once.

I am happy that my statement of 2 weeks ago, which I made on the floor of the House, asking that this Congress not adjourn until this legislation had been completed is being carried out. I commend the Judiciary Subcommittee in drawing this bill and acting upon it in an expeditious manner, and I am sure it will pass by an overwhelming vote of this House.

Mr. ASHLEY. Mr. Chairman, Congress today is hurrying to pass a bill to restrict the Supreme Court's recent decision in the Jencks case which held that Federal Bureau of Investigation reports, under certain circumstances, could be made available to defendants in criminal cases.

The Court's view was based on the long-established right to counsel to impeach an opposing witness—that is, destroy his credibility—by producing earlier statements by him which may be at variance with court testimony.

But in the Jencks case the Supreme Court made this right of counsel specifically applicable to the hitherto sacrosanct files of the FBI. Up to then the FBI had always been able to maintain that its files must be kept secret. Since the Jencks case was decided, J. Edgar Hoover and Justice Department officials have been pressing for legislation to change the Jencks ruling.

It is extremely unfortunate, Mr. Chairman, that this pressure—exerted through press, radio, and other mediums—has resulted in eleventh-hour consideration of the bill before us. Because high administration officials have hinted broadly that the Jencks case opens FBI files to every whim and demand of defendants in espionage and other cases involving our national security, the legislative skids have been greased, the adjournment flag has been readied, and word has gone out that the bill is not really too bad after all.

Mr. Chairman, I am opposed to the legislation at hand because I do not believe that it has received sufficient consideration and because I resent the atmosphere in which it comes to this body. I feel strongly that Congress, with the perspective that comes from studying the effects of the Jencks decision, will be better able to legislate in the public interest on this matter in the next session of the Congress.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, section 1733 of title 28, United States Code, is hereby amended by adding the following additional subsections:

"(c) In any court of the United States and in any court established by act of Congress, any books, records, papers, or documents of any department or agency of the United States which, in the opinion of the Attorney General, contain information of a confidential nature, the disclosure of which the Attorney General in the exercise of his discretion, concludes would be prejudicial to the public interest, safety, or security of the United States shall not be admissible in evidence in any civil or criminal proceeding, over the objection of the Attorney General, unless—

"(i) such books, records, papers, or documents have been produced in open court and have been used or relied upon by a witness for the purpose of establishing a record of his past recollection, of any events being testified to, or

"(ii) such books, records, papers, or documents have been or are produced in open court and are being used or relied upon by a witness for the purpose of refreshing his present recollection of any events being testified to.

"(d) Whenever, in any civil or criminal proceeding in any court of the United States or in any court established by act of Congress, demand is made for the production of any books, records, papers, or documents of any department or agency of the United States which have been used or relied upon by a witness in the trial for the purpose of refreshing the witness' recollection, or as a record of his past recollection, such books, records, papers, or documents shall not be produced or admitted in evidence over the objection of the Attorney General unless the trial court, in its discretion and upon personal inspection thereof without disclosure to any party or counsel, determines that such books, records, papers, or documents should be produced in the interest of justice and for the protection of the constitutional rights of the party affected thereby."

Mr. KEATING (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with and that the committee amendment be read.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"'§ 3500. Demands for production of statements and reports of witnesses

"'(a) In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in paragraph (b) of this section.

"'(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce for the inspection of the court in camera such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified. Upon such production the court shall then determine what portions, if any, of said reports or statements relate to the subject matter as to which the witness has testified and shall direct delivery to the defendant, for use in cross-examination, such portions, if any, of said reports or statements as the court has determined relate to the subject matter as to which the witness has testified. The court shall excise from such reports and statements to be delivered to the defendant any portions thereof which the court has determined do not relate to the subject matter as to which the witness has testified. If, pursuant to such determination, any portion of such reports or statements is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire reports or statements shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court at its request for the purpose of determining the correctness of the ruling of the trial judge.

"'(c) In the event that the United States elects not to comply with an order of the court under paragraph (b) hereof to deliver to the defendant any report or statement or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.'

"The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. ROGERS of Colorado (interrupting the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I doubt very seriously whether the Congress of the United States can write legislation attempting to rectify what they claim has resulted from the Jencks decision.

May I point out that the Supreme Court in its decision on page 11 of Jencks against United States, after it was brought out that the two witnesses Matusow and Ford had testified that they had made certain statements to the FBI and the defendants' counsel asked that those statements be produced and they were not produced, stated:

> We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold, further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is adequately equipped to determine the effective use for purpose of discrediting the Government's witness and thereby furthering the accused's defense, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less.

Let us take that part of the decision and analyze the bill which we have here. It in effect says that when a witness has taken the witness stand and has admitted that he has given reports to the FBI, then we say in the second paragraph that instead of these reports being produced and turned over to counsel for the defense as provided in this decision, we say under this bill that it shall be given to the judge for him to ascertain what part of that report shall be turned over to the defendant. Let us see what the Supreme Court said, and the reason that I now say, it is virtually impossible for this House to write a rule of reason, so to speak, to apply to the Jencks decision. For the Supreme Court on page 12, after reciting the necessity of turning over the reports to defense counsel makes this statement:

> The practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. Relevancy and materiality for the purposes of production and inspection with a view to use on cross examination are established when the reports are shown to relate to the testimony of the witness. Only after inspection of the reports by the accused must the trial judge determine admissibility.

The Court in that decision said that he is given his due process when he has an opportunity to inspect the reports that are in the files. We can talk all we want to about the security of the Nation and things of that nature. This is a rule that is laid down by the Supreme Court. They have laid it down. We attempt in this bill to take from him the right to inspect the files unless the judge approves. We say "You now revert back to the old rule and you will now give it to the judge and the judge shall determine rather than you being able to examine it yourselves and make that determination."

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, let us go one step further. The chairman of our committee has pointed out that if the first part of this bill as reported is adopted, then you are proceeding to change some of the rules of criminal procedure. That is not all that this bill would do—and I do not know what else can be done about it, but whenever you realize that under these circumstances, if the Court delivers to the defendant the files or the reports, understand that in the first instance we say in this bill "such reports or statements of the witness in the possession of the United States as are signed by the witness."

Now, that is No. 1, and continuing "or otherwise adopted or approved by him as currently relating to the subject matter to which he has testified."

The word "relate" goes a long way.

Now let us go one step further and see if we are actually, by this procedure, saying that we are amending the rule as it relates to wiretapping. It could very easily arise in this instance. Suppose that the FBI had placed a wiretap, and that that wiretapping has been put in their report, and it deals with a witness who is on the witness stand. We authorize the judge, under this procedure, to take that report because it relates to that witness, and he is in duty bound, under this procedure, to deliver it to the defendant's counsel. After it is delivered to him, then you run into the first big problem. Our Federal Communications Commission Act does not make it a crime to wiretap. It makes it a crime to expose and disclose the thing that you hear in the wiretap.

Here is a report which contains the wiretap information, which is given to a Federal judge in the first instance, and he, in the second instance, delivers it to counsel for the defendant. Is he privileged, then, under the law, to expose what he heard in that wiretap? That is something that we should consider. Certainly if he can, then he is violating the particular section which prohibits the exposure of the information heard in the wiretap.

There are a number of things we should consider in connection with this piece of legislation. What we have before us is a bill that was prepared by the Department of Justice in the first instance. When the other body considered this legislation and when they approved it yesterday, they did not adopt the provision of the Justice Department bill which you now have before you as an amendment to the original bill. The other body has amended it in several particulars.

Now here is the whole crux of the thing. What is a record? The bill as provided by the other body in effect says "a record." Is a record what is told to an FBI agent who in turn tells what he has heard? Does that become a record which must be passed to counsel for the defendant? The other body at the suggestion of the Justice Department had an amendment over there to change the word "record" to "recording," meaning thereby to make a limitation upon the thing that would be passed to the defendant. In other words, a "recording" means speaking what the man may have said that they have picked up. It would eliminate the question of the record itself.

I therefore believe that if we are to adequately meet this situation it would take a great deal more study than we have been able to give it. Otherwise you will run into a situation where due process has been denied.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has again expired.

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

> Substitute amendment offered by Mr. CELLER: Page 1, strike out all after the enacting clause and insert:
>
> "That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:
>
> "'§ 3500. Demands for production of statements and reports of witnesses
>
> "'(a) In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection, except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.
>
> "'(b) After a witness, called by the United States, has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or recordings, or oral statement made by the witness to an agent of the Government, relating to the subject matter as to which the witness has testified. If the entire contents of any such statements, transcriptions, or recordings relate to the subject matter of the testimony of the witness, the court shall order them delivered directly to the defendant for his examination and use.
>
> "'(c) In the event that the United States claims that any statement, transcription, or recording ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness. With such material excised the court shall then direct delivery of such statement, transcription or recording to the defendant for his use. If, pursuant to such procedure, any portion of such statements, transcriptions, or recordings is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statements, transcriptions, and recordings shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statements, transcriptions, or recordings are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said de-

fendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

"'(d) In the event that the United States elects not to comply with an order of the court under paragraphs (b) and (c) hereof to deliver to the defendant any statement, transcription, or recording, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.'

"The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. CELLER. Mr. Chairman, this substitute embodies practically the bill that was passed in the other body yesterday.

At the outset I wish to indicate clearly that the Jencks decision made no reference whatsoever to the Federal Rules of Criminal Procedure. The bill before us changes the Federal Rules of Criminal Procedure. Those rules are time honored. They are prepared by the Justices of the Supreme Court under the guidance of the Chief Justice. As far as I can recall, we have never in this Chamber even attempted to amend those Federal Rules of Criminal Procedure. Those rules are submitted to us under authority we granted to the Supreme Court, and we are given usually, or rather, we are given actually 90 days in which to change those rules if we see fit. Never have we vetoed, canceled out, or amended any of the rules that have been submitted to us from time to time by the Supreme Court.

Now, in this backhand manner, without real and mature deliberation we are amending the Rules of Criminal Procedure.

The substitute I offer makes no mention of the Federal Rules of Criminal Procedure; therefore, it does not seek to amend them. It expressly states that it shall govern pretrial proceedings.

The substitute I offer expands the statements of Government witnesses to include transcriptions and recordings; that is, it covers the actual voice of those who have testified for the Government or who have expressed themselves on the files or records of the Government.

The Senate bill contained the word "records." I changed that word "records" to "recordings."

I think the Senate should have used the word "recordings," because "records" might include an entire file. Therefore I made the change from the Senate bill by dropping out the word "records" and substituting the word "recordings."

Thirdly, the substitute confines the application of its provisions to Government witnesses; it does not cover other witnesses, it must be Government witnesses. I tried to make clear in the statement I made heretofore the danger and pitfalls that would be involved if we included witnesses other than Government witnesses.

Also, there is embodied in the substitute the so-called Cooper amendment, offered by the distinguished Senator from Kentucky, which appears on page 3 of the Senate bill, lines 12 to 18, reading as follows:

Whenever any statements, transcriptions, or recordings are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

Simply stated, that would avoid surprise to the defendant's counsel. He would also have a breathing space, as it were, and if these recordings and transcriptions are offered for the record and they are sifted and culled out by the judge of a court in camera, then defendant's counsel shall have a reasonable respite or recess to examine them. That is all this particular Cooper amendment involves.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent (at the request of Mr. CELLER) he was allowed to proceed for 2 additional minutes.)

Mr. CELLER. Mr. Chairman, those are the changes and with those changes the substitute is exactly as is the bill before us.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. SCHERER. Under the gentleman's amendment, would the district attorney have the right after a witness takes the stand, to then ask the defendant to reveal to the Government what the defense has in its files insofar as testimony of the particular witness that has been called is concerned?

Mr. CELLER. That, of course, is involved in this amendment.

Mr. SCHERER. Would that situation be allowed if we permitted the Jencks ruling to stand as it now does?

Mr. CELLER. The Government under the law today can seize an accused person's papers, and so forth.

Mr. SCHERER. Not after a witness has taken the stand can you ask the defendant to take from his files information concerning statements that that witness made.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman is restating the Jencks decision. That is what we are trying to correct.

Mr. SCHERER. Does it apply in reverse?

Mr. CELLER. I doubt it since the Government has the burden of proof of proving guilt beyond reasonable doubt. Defendant may stand silent.

Mr. SCHERER. Would the district attorney have the right to get from the defendant the information that the defendant has?

Mr. CURTIS of Massachusetts. I do not think they would have that right because there is the matter of self-incrimination which is involved therein.

Mr. SCHERER. I am not talking about the defendant. I am talking about witnesses who may be called on behalf of the defendant.

Mr. CELLER. Does the gentleman ask me whether the Jencks decision affects that right or whether the substitute bill affects that right?

Mr. SCHERER. Both.

Mr. CELLER. The substitute amendment has nothing to do with that. It does not affect it.

Mr. SCHERER. Does not the same reasoning apply if you allow the Jencks decision to stand?

Mr. CELLER. I do not think so.

Mr. SCHERER. Would not the district attorney have the right to ask the defendant for the same information?

Mr. CELLER. No, because you will have to remember in all criminal cases the burden of proof is on the prosecution. The defendant need not do anything. The Federal Rules of Criminal Procedure do not now, I believe, provide for the production of such records in criminal cases.

Mr. SCHERER. If the defense is in the presentation of its case and it offers a witness to substantiate the defense, then cannot the district attorney ask defense counsel to produce from its files any statement that that particular witness may have made?

Mr. CELLER. I doubt that very much, for the reasons I have already given.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent (at the request of Mr. CELLER) he was allowed to proceed for 1 additional minute.)

Mr. CELLER. I do not think so because you might have a case where the defendant might remain silent. If you compelled him to do that, that is not silence. He would be compelled to convict himself.

Mr. SCHERER. I think the gentleman is missing the point. I am saying that if witnesses who are supporting the defense, have given to the defendant's lawyer a contradictory statement, then does the Government have the right to go into the defendant's files?

Mr. CELLER. Neither the Rules of Criminal Procedure nor this amendment provides anything of that sort.

Mr. SCHERER. Should not the Government have that right?

Mr. CELLER. Whether it should or should not is a question not expressly present in this bill. I do not believe that it now has such right, at least at that time in the trial after a witness has testified.

Mr. SCHERER. Should it not work both ways?

Mr. CELLER. It does not.

Mr. WILLIS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, it should be realized that the amendment offered by the gentleman from New York [Mr. CELLER] would definitely affect and bring into

play the Federal Rules of Criminal Procedure. If you read his amendment you will see that it says:

In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection—

And here is the language—

except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

That is except if provided in the Federal Rules of Criminal Procedure. Here is an indirect way to give lower Federal judges an additional post on which to hang their hats to compel the production of FBI records, not by virtue of the Jencks case, but "if provided in the Federal Rules of Criminal Procedure." Of course, the Federal Rules of Criminal Procedure do not have any provision for discovery, properly speaking. That applies only in civil cases.

For example, in a criminal case the defendant charged with crime has the right before trial to ask the Federal Government to produce to him and his counsel—what?—papers, books, documents, and other tangible evidence belonging to the defendant. In other words, if the defendant's books have been taken, if he has made a confession, he has the right to have those documents submitted to him. But certainly under the Rules of Criminal Procedure you have never heard of a right given to the defendant to go to the United States Attorney and say, "Look here, before I go to trial I want to see your files; I want to see the FBI reports; I want to know who the witnesses are going to be."

I say this is a temptation to the lower Federal judges to try to find another way to get at these reports indirectly when the idea of the bill is to stop it. I think it is dangerous language.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. CRAMER. I appreciate the statement of the gentleman and I concur in it wholeheartedly. I would suggest on page 7 of the committee report it very clearly shows that the bill before us, not the amendment of the gentleman from New York, but the bill does not affect the Rules of Criminal Procedure. It specifically says:

Rule 17 (c) relates to the production of documentary evidence and objects.

It has nothing to do with testimony on the part of the witness being used or statements made, but documentary evidence as is contained in rule 16, the discovery procedure and the subpena procedure. Then it goes on further to say in the committee report itself,

It does not—

That is the bill before the House, not as amended by the gentleman from New York.

It does not in any way restrict the application of rule 17 (c).

Mr. WILLIS. The gentleman is correct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. While it may be true you have a clause in there, "any rule of court or procedure to the contrary notwithstanding," the very import of the language in the bill itself is contradictory of rule 16 of the Rules of Criminal Procedure. For example, rule 16 is as follows:

Upon motion of a defendant at any time after the filing of the indictment or information—

"At any time"; it does not mean at the time of the trial—

the court may order the attorney for the Government to permit the defendant to inspect and copy or photograph designated books, papers, documents, or tangible objects, obtained from or belonging to the defendant or obtained from others by seizure or by process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable. The order shall specify the time, place, and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just.

Then go on to rule 17 (c), entitled "For Production of Documentary Evidence and of Objects."

A subpena may also command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The court on motion made promptly may quash or modify the subpena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, or objects designated in the subpena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents, or objects or portions thereof to be inspected by the parties and their attorneys.

Mr. WILLIS. May I say to the gentleman that the books, papers, records, and documents are not of the type this bill speaks about at all.

Mr. CELLER. Why not?

Mr. WILLIS. Let me show the gentleman. Section (b) of the bill states—

After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce—

What?—

to produce such reports or statements of the witness in the possession of the United States.

It has nothing to do with the books or records referred to in the Rules of Criminal Procedure.

Mr. CELLER. What about doing all that on the pretrial discovery, and that is what this bill prevents? Here is where the difficulty comes in; by virtue of the fact it prevents that pretrial discovery, it amends the Federal Rules of Procedure.

Mr. FORRESTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is a little hard for me to be in opposition to my chairman, and maybe it is a little bit unusual for me to be joining with the gentleman from New York [Mr. KEATING]. On the other hand, it never has been a hard job for me to step over on any side when I think they are correct. I think the gentleman from New York [Mr. KEATING] is correct in his proposed legislation, to a degree. The only criticism I have of it is that he has not gone far enough and he is not meeting this issue realistically. Here is what this Congress is engaged upon in this legislation. There are nine other Communists waiting to be tried under the same kind of situation as Jencks was tried, and the Jencks case was upset by the Supreme Court of the United States, and the Communist defendant freed, upset yes, and the defendant discharged, and I say this to every Member of the House, and I challenge anyone to dispute me—upset and the defendant freed without a single precedent to sustain their ruling. As a matter of fact, absolutely and with complete uniformity every decision of the Supreme Court has been directly opposite to the decision rendered by the Supreme Court in the Jencks case. What I am saying to the gentleman from New York and what I am saying to the Attorney General is that this issue ought to have been met realistically. I want to say this, too. I am sorry that the testimony of the Attorney General, Mr. Brownell, was not incorporated in this RECORD. As a matter of fact, I do not think that the Attorney General's statement was exactly in accord with the testimony shown in the report that he said that we will accept the principle which is that you can demand that statements of a witness be turned over to a defendant without first making a showing or laying a predicate that contradictory statements have been made, because that rule requiring a predicate is the rule in the United States Supreme Court and in every other court in the United States. As a matter of fact, here is what Attorney General Brownell said. He says we are in a terrible situation right now, and we have to live with the decision and we want and need this legislation. But I want it recorded here and now that I do not think it was the sense of the Committee on the Judiciary to come out with any expression whatsoever that we are endorsing the principles laid down by the Supreme Court. Under no circumstances will I do it. Nor do I think the House Judiciary Committee will do it.

I think the Attorney General should have done as I have had to do when I was over there in the minority—I had to take positions against the Democratic Attorney General and against some of our other officials because sometimes they were wrong. I think that is what they ought to do. They ought to say, "I am sorry for the appointment of Justice Brennan who rendered this outrageous decision." "This decision is not law." I say this to you, Mr. Chairman. It was said by the gentleman from Colorado that he doubts that we can correct some of the decisions of the Supreme Court. Mr. Chairman, if we cannot, we might as well pack our baggage and we might as well go on home and wait for the deluge to come. Let me show you

what Attorney General Tom Clark said in this case. He reminds me of Jeremiah weeping at the wailing wall. He said, "This criminal action was dismissed." Can you get that? A case is thrown out of court and you cannot try that Communist any more and you have nine more in the same situation. Then he says, "This ruling fashions a new rule of evidence which is foreign to our Federal jurisprudence." Is there a man here who disputes that? As a matter of fact, he says that if you are going to make that holding, you should overrule *Goldman* v. *The United States* (316 U. S. 129), which was decided in 1942. He says if you adhere to this and unless you change this rule, the rule announced by the Court today, the intelligence agencies of the Government engaged in law enforcement may as well close up shop, if the court has to open the files to the criminal and afford to him a Roman holiday. No one with experience in the prosecutions of criminal cases can dispute the accuracy of Justice Clark's statements. This legislation is stopgap legislation to assist the Government in its efforts to prosecute criminals, to protect our files, and to protect the sources of information. As stopgap legislation I support it, but permanent legislation must be passed wiping the Jencks case off the books.

Mr. KEATING. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment. The gentleman from Louisiana has forcefully put his finger on the most serious objection to the amendment which seeks, in substance, to reinstate the bill adopted in the other body.

That objection has to do with this question regarding the Federal Rules of Criminal Procedure.

It has been contended that paragraph (a) of H. R. 7915 would change the Rules of Criminal Procedure with respect to pretrial discovery and inspection in criminal cases. There is no foundation for such a suggestion. Paragraph (a) of H. R. 7915 applies solely to statements or reports made voluntarily by a Government witness. The very words of rule 16, which the chairman has read to us, point out that that rule applies only to documents or papers obtained by the Government from a defendant, or others, by seizure or process.

Rule 17 (c) of the Federal rules provides that documents which have been subpenaed may, under order of the court, be produced before they are offered in evidence. Again this relates to documents which have been subpenaed and not to statements and reports voluntarily made—in other words, to documents specified in rule 16.

Rule 15 (a) gives the defendant the right to take the testimony of a prospective witness before the trial where it appears that that witness will be unable to attend the trial. Under that rule the court may order the deposition of the witness to be taken and designated books, papers, documents, or tangible objects, not privileged to be produced at the time and place of the deposition.

H. R. 7915 applies only to statements or reports made by Government witnesses. As a practical matter it is difficult to envision an instance in which the defendant would seek to take the testimony before trial of a Government witness on the grounds that he would be unable to testify at the trial. Only if the defendant wished to make the Government witness his own witness could he avail himself of rule 15 (a). Since H. R. 7915 applies only to statements of a witness called by the United States it would not affect rule 15 (a).

For the above reasons the provisions of H. R. 7915 would have no effect whatsoever on the established pretrial discovery and inspection procedures under the Federal Rules of Criminal Procedure.

H. R. 7915 would, therefore, in no way affect any rights of a defendant under rule 16.

The bill passed by the Senate, by placing the words "except if provided in the Federal Rules of Criminal Procedure" in paragraph (a), which words would be incorporated in the amendment offered by the gentleman from New York [Mr. CELLER], adds a phrase which would greatly weaken the bill which we are considering. Neither the Jencks case nor this bill has anything whatsoever to do with pretrial discovery and inspection. Yet the Senate has provided that no statement or report of a witness shall be the subject of subpena or inspection except if provided in the Federal Rules of Criminal Procedure. In other words, they are inviting the lower court by these words to hold that the Federal Rules of Criminal Procedure do allow a defendant to go prying through all the Government's evidence. Let us not give any indication that the Congress approves of the production of statements of Government witnesses prior to the time the witness has testified. Such action on our part could very well give the green light to the very rummaging through FBI files which the bill seeks to prevent. It could prove to be worse than no bill at all.

The way to handle this matter is to pass the bill which has been almost unanimously reported out of our committee. There was no objection in our committee on the part of the chairman to this bill which we have reported. Only 1 or 2 faint noes were voiced by those who share the view of the gentleman from Georgia [Mr. FORRESTER] that this bill as we reported it does not go far enough. Now let us not weaken it further.

I am happy to have the gentleman from Georgia [Mr. FORRESTER] on my side in this particular controversy. We should do nothing which could weaken this bill any further. It goes as far as we feel we can go to properly protect the rights of a defendant. And there is no question but what it does accord the defendant adequate protection. Certainly we should not adopt a completely new bill we know nothing about. That bill has been debated in the other body, but it has not been debated here. Nor has our committee had an opportunity to consider it. We should adopt, instead, a bill which we have fully considered and which had the overwhelming support of our committee.

The amendment that was read is a long document which follows the Senate bill, with 1 or 2 changes. To adopt the Senate bill in this manner is not a responsible way for us to legislate. We can handle this matter more properly in a conference. I am confident that if we adopt H. R. 7915 as reported out of our committee, and not the watered-down Senate bill, we can get together on a bill which will meet with the approval of both Houses and the Department of Justice. The gentleman from New York [Mr. CELLER] will be a conferee and can take part in hammering this out in conference instead of on the floor.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield.

Mr. CELLER. If the bill does not change the rules of procedure, why do you have the language "any rule of court or procedure to the contrary notwithstanding"?

Mr. KEATING. The purpose of this bill is to restate what is understood to be the law now. What I object to is injecting into it the implication that the Federal Rules of Criminal Procedure now allow a defendant in a criminal case to go rummaging through the files of the FBI.

The very thing we are trying to do is to make it abundantly clear that the defendant has no such right. We are establishing one exclusive procedure for the production of statements of Government witnesses. Why should we adopt something which negatives the very thing we are trying to do?

Mr. CELLER. Why do you use that language?

Mr. KEATING. I am not using that language; it is the gentleman from New York who seeks to insert the language "except if provided in the Rules of Criminal Procedure"——

Mr. CELLER. It is in the gentleman's bill. The gentleman uses the language "Any rule of court or procedure to the contrary notwithstanding." Why do you use that language if you do not include the Rules of Criminal Procedure?

Mr. KEATING. The bill does not intend to deal with, or to affect in any way the Federal rules. It attempts to establish a single procedure independent of those rules. We seek, by that language to make it clear that those rules do not apply to this situation. We establish the procedure in paragraph (b) and in (a) we state that that procedure is the exclusive procedure to be followed. The gentleman from New York supported this in the committee.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the substitute offered by the gentleman from New York [Mr. CELLER] for the committee amendment.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 55, noes 161.

So the substitute amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ENGLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 7915) to amend section 1733 of title 28, United States Code, pursuant to House Resolution 411, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MORANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 351, nays 17, not voting 64, as follows:

[Roll No. 215]

YEAS—351

Abbitt	Chamberlain	Frelinghuysen
Abernethy	Chelf	Friedel
Adair	Chenoweth	Fulton
Addonizio	Chiperfield	Garmatz
Albert	Christopher	Gary
Alexander	Chudoff	Gavin
Allen, Ill.	Church	Granahan
Andersen, H. Carl	Clark	Grant
	Coad	Gray
Andresen, August H.	Cole	Gregory
	Collier	Griffin
Andrews	Colmer	Griffiths
Arends	Cooley	Gross
Ashmore	Cooper	Gubser
Aspinall	Corbett	Hagen
Auchincloss	Coudert	Hale
Avery	Cramer	Haley
Ayres	Cretella	Halleck
Baker	Cunningham, Iowa	Hardy
Baldwin		Harris
Baring	Cunningham, Nebr.	Harrison, Nebr.
Barrett		Harrison, Va.
Bass, N. H.	Curtin	Haskell
Bass, Tenn.	Curtis, Mass.	Hays, Ark.
Bates	Curtis, Mo.	Healey
Baumhart	Dague	Hébert
Becker	Davis, Ga.	Hemphill
Beckworth	Davis, Tenn.	Henderson
Belcher	Dawson, Utah	Herlong
Bennett, Fla.	Delaney	Heselton
Bennett, Mich.	Dellay	Hess
Bentley	Dennison	Hill
Berry	Denton	Hoeven
Betts	Derounian	Holland
Blitch	Devereux	Holmes
Boggs	Diggs	Holt
Boland	Dingell	Hosmer
Bolling	Dixon	Huddleston
Bonner	Dollinger	Hull
Bosch	Donohue	Hyde
Bow	Dooley	Ikard
Boykin	Dorn, N. Y.	James
Boyle	Dorn, S. C.	Jarman
Breeding	Dowdy	Jenkins
Brooks, La.	Doyle	Jennings
Brooks, Tex.	Durham	Jensen
Broomfield	Dwyer	Johansen
Brown, Ga.	Edmondson	Johnson
Brown, Mo.	Elliott	Jonas
Brown, Ohio	Engle	Jones, Ala.
Brownson	Evins	Jones, Mo.
Broyhill	Fallon	Judd
Budge	Farbstein	Kean
Burdick	Fascell	Kearns
Burleson	Feighan	Keating
Bush	Fenton	Kee
Byrd	Fino	Keeney
Byrne, Ill.	Flynt	Kelley, Pa.
Byrne, Pa.	Fogarty	Kelly, N. Y.
Byrnes, Wis.	Forand	Kilday
Canfield	Ford	Kilgore
Carnahan	Forrester	King
Carrigg	Fountain	Kirwan
Cederberg	Frazier	Kitchin
Kluczynski	O'Hara, Minn.	Sheppard
Knox	O'Konski	Shuford
Laird	O'Neill	Simpson, Ill.
Landrum	Osmers	Simpson, Pa.
Lane	Ostertag	Sisk
Lanham	Passman	Smith, Miss.
Lankford	Patman	Smith, Va.
Latham	Patterson	Smith, Wis.
Lennon	Pelly	Spence
Lipscomb	Perkins	Springer
Long	Pfost	Staggers
Loser	Philbin	Stauffer
McConnell	Pillion	Steed
McCormack	Poage	Sullivan
McCulloch	Poff	Taber
McFall	Polk	Talle
McGregor	Price	Taylor
McIntire	Prouty	Teague, Tex.
McIntosh	Rabaut	Tewes
McMillan	Radwan	Thomas
McVey	Rains	Thompson, La.
Macdonald	Ray	Thompson, Tex.
Machrowicz	Reece, Tenn.	Thomson, Wyo.
Mack, Ill.	Reed	Thornberry
Mack, Wash.	Rees, Kans.	Tollefson
Madden	Reuss	Trimble
Magnuson	Rhodes, Ariz.	Tuck
Mahon	Rhodes, Pa.	Ullman
Marshall	Riehlman	Utt
Martin	Riley	Vanik
Matthews	Rivers	Van Pelt
May	Roberts	Van Zandt
Meader	Robeson, Va.	Vorys
Merrow	Rodino	Wainwright
Michel	Rogers, Colo.	Watts
Miller, Md.	Rogers, Fla.	Weaver
Miller, Nebr.	Rogers, Mass.	Westland
Miller, N. Y.	Rogers, Tex.	Wharton
Mills	Rooney	Whitener
Minshall	Roosevelt	Whitten
Montoya	Rutherford	Widnall
Moore	Santangelo	Wigglesworth
Morano	St. George	Williams, Miss.
Morgan	Saund	Willis
Morris	Saylor	Wilson, Calif.
Moss	Schenck	Wilson, Ind.
Moulder	Scherer	Winstead
Mumma	Schwengel	Withrow
Murray	Scott, N. C.	Wolverton
Natcher	Scott, Pa.	Wright
Neal	Scudder	Young
Nimtz	Seely-Brown	Zablocki
Norrell	Selden	Zelenko
O'Brien, Ill.	Sheehan	
O'Brien, N. Y.	Shelley	

NAYS—17

Anderson, Mont.	Karsten	Multer
	Keogh	O'Hara, Ill.
Ashley	Knutson	Porter
Blatnik	McCarthy	Teller
Celler	McGovern	Thompson, N. J.
Coffin	Metcalf	Yates

NOT VOTING—64

Alger	Gwinn	Norblad
Allen, Calif.	Harden	Pilcher
Anfuso	Harvey	Powell
Bailey	Hays, Ohio	Preston
Barden	Hiestand	Robsion, Ky.
Beamer	Hillings	Sadlak
Bolton	Hoffman	Scrivner
Bray	Holifield	Sieminski
Buckley	Holtzman	Sikes
Cannon	Horan	Siler
Clevenger	Jackson	Smith, Calif.
Dawson, Ill.	Kearney	Smith, Kans.
Dempsey	Kilburn	Teague, Calif.
Dies	Krueger	Udall
Eberharter	LeCompte	Vinson
Fisher	Lesinski	Vursell
Flood	McDonough	Walter
Gathings	Mailliard	Wier
George	Mason	Williams, N. Y.
Gordon	Miller, Calif.	Younger
Green, Oreg.	Morrison	
Green, Pa.	Nicholson	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Anfuso with Mr. Allen of California.
Mr. Preston with Mr. Clevenger.
Mr. Buckley with Mr. Harvey.
Mr. Hays of Ohio with Mr. Scrivner.
Mr. Holtzman with Mr. Sadlak.
Mr. Gordon with Mr. Norblad.
Mr. Powell with Mr. LeCompte.
Mr. Dies with Mrs. Bolton.
Mr. Walter with Mr. Alger.
Mr. Barden with Mr. Beamer.
Mr. Flood with Mr. Krueger.
Mr. Sikes with Mr. Hoffman.
Mr. Holifield with Mr. Smith of California.
Mr. Bailey with Mr. Hiestand.
Mr. Udall with Mrs. Harden.
Mr. Lesinski with Mr. Hillings.
Mr. Dempsey with Mr. Vursell.
Mr. Miller of California with Mr. Jackson.
Mr. Morrison with Mr. Robsion of Kentucky.
Mr. Vinson with Mr. Mailliard.
Mr. Pilcher with Mr. McDonough.
Mr. Green of Pennsylvania with Mr. Bray.
Mrs. Green of Oregon with Mr. Mason.
Mr. Wier with Mr. Horan.
Mr. Sieminski with Mr. Kearney.
Mr. Cannon with Mr. Teague of California.
Mr. Dawson of Illinois with Mr. Siler.
Mr. Fisher with Mr. Kilburn.
Mr. Gathings with Mr. Younger.

Mr. ASHLEY and Mr. TELLER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"§ 3500. Demands for production of statements and reports of witnesses

"(a) In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection, except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

"(b) After a witness, called by the United States, has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or records of oral statements made by the witness to an agent of the Government, relating to the subject matter as to which the witness has testified. If the entire contents of any such statements, transcriptions, or records relate to the subject matter of the testimony of the witness, the court shall order them delivered directly to the defendant for his examination and use.

"(c) In the event that the United States claims that any statement, transcription or record ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or record for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or record which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement, transcription or record to the defendant for his use. If, pursuant to such procedure, any portion of such state-

ments, transcriptions, or records is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statements, transcriptions, and records shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statments, transcriptions, or records are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or records by said defendant and his preparation for their use in the trial.

"(d) In the event that the United States elects not to comply with an order of the court under paragraphs (b) and (c) hereof to deliver to the defendant any statement, transcription, or record, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared."

The analysis of such chapter is amended by adding at the end thereof the following:

"3500. Demands for production of statements and reports of witnesses."

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out all after the enacting clause of the bill (S. 2377) and insert the provisions of H. R. 7915.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7915) was laid on the table.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2377) with a House amendment thereto, insist on the amendment of the House and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Mr. CELLER, Mr. WILLIS, Mr. BROOKS of Texas, Mr. KEATING, and Mr. CURTIS of Massachusetts.

PRIVATE CALENDAR

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday next to call the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HON. SAMUEL K. McCONNELL, JR.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I know I voice the sentiment of Members on both sides of the aisle when I rise to pay my tribute to a man who has served here in Congress for many years with distinction and who is terminating his Congressional career tonight. I refer to the gentleman from Pennsylvania, Mr. SAMUEL K. McCONNELL.

It has been my privilege to know Mr. McCONNELL intimately for many years. I know of no one who participated in his work with greater enthusiasm, with more devotion, and with a single purpose only, and that was to serve his district, his State and his country. Mr. McCONNELL loved his work and he loved to serve his people and that wonderful desire made his career such a splendid one.

Mr. Speaker, we all realize we are losing a valuable Member as he goes to assume a very responsible position, a position where he can alleviate the sufferings of people. I am sure Mr. McCONNELL knows, as he enters into these important duties that lie ahead of him, he carries with him the ardent and best wishes of every Member of the House regardless of party. He has accepted a great challenge for service and we are all sad as he leaves this House where he has made such a fine record.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. Although his career as a Member of Congress for the distinguished gentleman from Pennsylvania may be coming to an end today, the prestige he has gained from the work he has done here will stand for many years as a monument to him and to the people of Pennsylvania who sent him here. He has performed valiant service in many areas of important legislation. His resignation is a great loss to the Congress and to the country as a whole. Over the years we will remember him as an active, distinguished, able Member of Congress who served his country well.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I join with my friend from Massachusetts in the compliment paid by him to our distinguished friend and colleague from Pennsylvania [Mr. McCONNELL].

The middle aisle means nothing in our friendship; the middle aisle means nothing in our respect for one another. In my service in this body I know of no person who in the interest of the people of his district and in the interest of the people of the country as a whole has performed service which has commanded more respect than that rendered by the gentleman from Pennsylvania, able, honorable, trustworthy; a man of the highest integrity.

One thing that has already stood uppermost in our association with SAM McCONNELL in addition to his great ability, trustworthiness, and so forth, has been his faithfulness to promises. I think no finer tribute can be paid by one man to another than to say that a man's word is as good as his bond. His word was always as good as his bond.

Throughout the years the personal relationship existing between SAM McCONNELL and myself became very, very close. I am proud to honor him, and I am equally proud of that friendship. He has made great contributions during the years he served in this body, forward-looking, constructive, entertaining the views he did and the position he took on great questions in this body from the angle of intellectual honesty, mark him as an outstanding man. He served with distinction and in a manner that not only created strong friendships on the part of all who served with him but impressed in the minds of all who served with him a deep feeling of respect.

He leaves this body to go not to more responsible work, but probably to more interesting work, to the carrying out of his life's view, with the complete respect and the absolute friendship of every Member who ever served with him.

To you, Sam, and to your loved ones, speaking not only for myself personally, but I know I can, without being considered presumptuous, speak for the Democratic side of this body, we extend our wishes for happiness, for success throughout the coming years, and fruitful contribution to the progress of mankind.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield.

Mr. HALLECK. Mr. Speaker, it was a great surprise to me and also a keen disappointment when I learned of SAM McCONNELL'S determination to leave his place here among us in the House of Representatives. I say disappointment, because SAM McCONNELL has been a most useful Member of the House of Representatives. His contribution has been considerable. To me he typifies the kind of Member of this body who should stay on here to help with the work that is so important to the welfare of the country. As I have sat here and listened to the deserved tributes that have been paid him, and knowing they were coming from the bottom of the hearts of the Members who spoke, I have tried to analyze why it is we feel as we do about SAM McCONNELL, why we are unhappy that he is leaving this body, wishing that he would stay on with us.

First of all, it occurs to me, he has always been fair and honorable in his dealings with all of us. Beyond that, I have never seen him exhibit any temper or any short action in connection with anything that might be going on. Further, SAM McCONNELL has another attribute that certainly has endeared him to all of us—that in whatever capacity he was cast here he did his homework. He knew what the proposition was all about when he got up to present it on the floor. It has been my great privilege to serve as majority leader in two Congresses, one of them when Sam was chairman of a very important committee of the House. It was always a pleasure to work with him because you were aware of the fact that he knew the subject at hand thoroughly. If a question was asked about a bill he could get up and explain it. That we have all watched

him do through the years he has been here, and we have all benefited from his intelligent presentations.

So, certainly, in my opinion, he typifies what I consider to be the best in representation here in the House. I dislike very much seeing him go but I think I can understand something of the motives that have brought about his decision to leave. Certainly I wish him the best of luck in his new assignment, confident as I am that in the activity to which he now goes he will establish the same record and do the same sort of distinguished job he has been doing here in the House of Representatives.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, it has been my very fortunate opportunity to serve with SAM MCCONNELL from the 80th Congress. I first served with him back in 1947 on a special committee that met in Pittsburgh. I knew his genius. After the many things that have been said about him here today, we should say one thing that has not been stated so far and that he is genial Sam.

When he was chairman, and also as ranking minority member of the committee, he always had that acumen to get the members of the committee together and say, "Boys, what shall we do?" and "When shall we do it?"

So, Sam, as you leave us, yes, we will miss you; America loses a great statesman. SAM MCCONNELL, who is a most astute politician, could have been Governor or Senator, but SAM MCCONNELL leaves us to serve the handicapped whom he loves. He always wanted to help people. Now God has called him to that field and I know the good Lord will bless him and we will look to him. So, Sam God bless you and we, the 435 Members of the House, will remember you always.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, there have been many fine things said here today about SAM MCCONNELL and I just like to add my humble voice to this praise. What I say here on the floor of the House today, I have said publicly during the last 12 years. I do not believe I have known anyone in the House of Representatives who has a finer reputation, who is a finer man, who is any fairer and who has been kind to everybody. SAM MCCONNELL'S leaving the House, in my opinion, will be a great loss to the House of Representatives and a great loss to the country.

My colleagues in the Democratic Party in the adjoining county to Sam's county, Philadelphia, wish SAM MCCONNELL and his family the best of luck.

We are sorry to see you go, Sam. We all love you very much. God bless you.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Speaker, the country can ill afford to lose the services of a man possessing all the qualities that SAM MCCONNELL possesses. With the distinguished gentleman from Indiana [Mr. HALLECK] I, too, was disappointed to learn of his decision to leave this body. But I was not surprised to learn his reason for leaving. Having served with him and in close association, on the Committee on Education and Labor for some 5 years, it was obvious to anyone who had been that close to Sam that he would not delay for one moment the call to a service to which he is responding. It is typical of the man that he would go from this great body to that service to which he is going. That service will profit because of SAM MCCONNELL'S qualities. I am sure that I, along with all Members, have also profited by having been associated with SAM MCCONNELL in this body.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I feel a little like the colored preacher who, after delivering a great sermon, finally stuttered a little bit and said, "Well, there is little more I can say, I think maybe I will quit." And somebody in the audience said, "Why don't you say 'Amen' and sit down?"

All these fine things that have been said about Sam I want to say are absolutely true. When we come to Congress we often times ask ourselves the question, "Why are we here?" I think it was expressed well not long ago by a Member who put it this way when he first came to Congress: "How did I ever get here?" And after he had been here 2 years he asked the question, "How did the other fellow get here?"

I am sure those of us who were here when SAM MCCONNELL came and who are now here definitely know why he came to Congress. It was because of his ability, because of his clarity of purpose, because of his sincerity, because his intent and purpose when he came here was to do good for his district, his State, and for his Nation.

I should like to mention one thing that I have noticed about SAM MCCONNELL that perhaps some of the rest of us do not have. That is his balance. That is what I have admired him for over the years and do today, this balance that few people have. At all times he knew what he was doing, he knew what he wanted to do. He had a purpose and an objective and he carried those out in the finest possible manner.

Let me say to SAM MCCONNELL, that I do regret his leaving the Congress and I trust sincerely that he will come back to see us. I offer him all good wishes in the job immediately ahead.

Mr. COUDERT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from New York.

Mr. COUDERT. Mr. Speaker, the gentleman from Illinois [Mr. ARENDS] in quoting the colored preacher said about all I intended to say. I concur in all the good things that have been said about Sam. There is only one thing missing in the pattern and I would like to supply it. Nobody has pointed out where Sam is going to be after he leaves the House. His departure is a loss to the House but a gain to the 17th Congressional District of New York, because Sam is going to be a neighbor of mine in Manhattan, N. Y. Welcome, Sam. I am looking forward to seeing you.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. JAMES. Mr. Speaker, I want to associate myself with all who have said these fine things about our colleague, SAM MCCONNELL. It happens that I am his nearest legislative neighbor. His district and mine join for some number of miles, and our people are pretty much the same kind of people.

It is a little difficult sometimes for us to separate them, and we often wonder where one district begins and the other ends. As a matter of fact, I get my mail at my home from a post office located in SAM MCCONNELL'S district. That is how close we are.

The other thing I want to say today is this: SAM MCCONNELL is actually a product of Delaware County, Pa., of the 7th District, because he was born in my district. It is a great pity that he ever left it, from his standpoint, but it is a great boon to me that he did, because I feel quite sure that had he stayed there he would have been the Representative in the House from Delaware County and not I.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, there have been some fine things said about SAM MCCONNELL here today, but there is one thing about him, he has always been a fine friend. It should be remarked for the record that a lot of us have enjoyed his hearty smile and the twinkle in his eye that he always has when dealing with legislative matters or with friends. I am sure SAM will feel that he is still a part of the Pennsylvania delegation and part of Congress, and will remember us when he leaves. We wish him the best of success in his future work.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Speaker, I, for personal reasons as well as being a member on the other side of the Committee on Education and Labor, wish to say how very much I and all of my colleagues on the committee are going to miss SAM MCCONNELL, who is above all things a fine and distinguished gentleman. I happen to have had the honor of being married in his district to a girl who lived in his district during his first year here. I know many of his constituents and they respect him as well as Members on both sides of the aisle here do. We are going to miss him. He is going to be available to us for his advice, and I am afraid we are going to be hearing from SAM every now and then in the course of his work for the Cerebral Palsy Association. I guess SAM will make notes of all these things and come back to make sure that we make good on some

of these promises of esteem and assistance. All members of the Committee on Education and Labor, on both sides, respect him and know that when he makes a legislative or any sort of promise we have it in words that are as sound or even more sound than a Government bond. We will miss him very much.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, when I came to Congress in the 84th Congress I wondered sometimes how committees could work where the divisions of opinion were as sharp as they could be in committees such as the Committee on Education and Labor. I think the fine example which SAM MCCONNELL set as ranking minority member of that committee has taught many of us who had a lot to learn when we came here much that I hope we shall remember.

I add my tribute to him and hope that as a longtime friend in the years to come and as one who has given us inspiration and the knowledge that however our political philosophies may differ, working together we can accomplish much for the public good. In the future work that he will carry on, humanitarian as it is in its purpose, he will know that we all wish him the very best of luck.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Speaker, I should like to join in the many well-deserved tributes being paid here this afternoon to the distinguished gentleman from Pennsylvania [Mr. MCCONNELL]. One of the great rewards of my years of service here in the House of Representatives has been the acquaintance and friendship during all those years with the highly respected gentleman from Pennsylvania, SAM MCCONNELL. I have always admired SAM's ability and capacity for work and his reputation for trustworthiness. The fact that his word is his bond has never been questioned.

So, Mr. Speaker, I join in wishing SAM MCCONNELL Godspeed in his newly chosen career. I am sure he will be the great success in his new field of endeavor that he has been here faithfully representing the people of his district, his State, and his Nation.

Mr. MARTIN. I yield to the gentleman from Ohio [Mr. MCGREGOR].

Mr. MCGREGOR. Mr. Speaker, I concur in the very fine eulogy that is being given to one of our Members who is leaving on his own accord. But you know there is an old saying that whenever a neighbor says something nice about you, you really are a nice person. It has been my privilege to be SAM MCCONNELL'S neighbor for many, many years in our legislative offices. Sam, may I say to you as a neighbor we hate to see you go, but we congratulate the organization to which you are going. From your neighbors we extend to you our kindest regards and best wishes.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. Mr. Speaker, it was indeed grand to hear the fine tributes paid by previous speakers to our good friend and colleague Congressman SAMUEL MCCONNELL.

As one of the senior members of the Pennsylvania delegation in the House of Representatives, and as chairman of the Republican delegation, I want the membership of the House, and the people of the country to know that we appreciate the wonderful statements made about SAM, regardless of partisanship.

To me, personally, it was with a touch of sorrow that we are to lose in this Congress a man of SAM MCCONNELL'S character and ability. His service here has been outstanding and he has been a credit to his district, State, and Nation.

SAM MCCONNELL'S background from his birth reflects the kind of person he is. Born in Eddystone, Pa., he is the son of a Methodist minister. He has been interested all his life in work with boys, particularly in settlement house and community centers. In his senior year at the University of Pennsylvania he was chief counselor for boys.

Sam is interested in Boy Scout work, and the great movement it is in building the future citizens of our Nation. He was a Scoutmaster for 8 years, and sent 6 boys—Eagle Scouts—to the International Jamboree in London.

As chairman of the second war loan drive in lower Merion Township, Montgomery County, Pa., he obtained $9 million when their quota only called for $3 million.

Mr. MCCONNELL was elected to the United States House of Representatives in December 1943 at a special election to fill the vacancy due to the untimely death of the beloved Congressman William Ditter. He has been reelected to all succeeding Congresses.

We all are aware of the fine work Sam has done as a member of the Education and Labor Committee of the House. As the ranking Republican member of that committee he was its chairman in the 83d Congress and has handled all education and labor debates for his party in the House since 1949. As such he has been eminently fair to all sides in any debate and therefore enjoyed the confidence of employer, employee, and the public.

Mr. Speaker, I could go on and on relating the fine attributes of SAM MCCONNELL and we are pleased and happy to know that he is to give of his future life to another position of great and humane importance—that of directing the work of the National Association for Cerebral Palsy.

While Sam will be severing his official duties on September 1, we all sincerely hope that his trips to the Capitol will be frequent and that as the occasions arise we will all have the benefit of his counsel, association, and continued friendship.

May SAM MCCONNELL'S future work meet with outstanding success as it has done in the past, and that he will continue to find satisfaction in a job well done for the public and the America he loves so well.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, the Chinese have an apt saying that goes something like this: "With clothing, the new is best; with friends, the old are best." That is true of our experience here in the House of Representatives. New Members are constantly coming and we welcome them. But it is hard to lose the old—those who have been tested and tried and proved true. Some Members flash across the sky like a meteor but are soon gone. But some leave a permanent imprint on the Congress as well as on us who have been privileged to come to know them well. With friends the old are indeed best; and we hate to see SAM MCCONNELL leave us.

He has in an unusual degree the qualities that we most admire in others and wish for ourselves. First, a good mind. Whenever he gets up to speak on any issue, he knows what he is talking about and he explains it clearly. He has done his homework. He knows the fine print as well as the big print, and we can always count on what he says. It illuminates.

Second, a warm heart. He not only knows, but he cares about the needs of human beings and the well-being of our country.

Third, undergirding everything, he is a man of sterling character—unimpeachable and impressive.

It is a great loss, not only to us as his old friends but to our country, for him to leave this body. But it is an equally great gain to the work for the handicapped and the crippled youth of our entire country—now and in the years ahead. We wish SAM MCCONNELL Godspeed in this his new mission and we hope his work will bring him back to Washington and to the House of Representatives frequently.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I join with many Members in expressing my deep regret that SAM MCCONNELL is leaving the public service as a Member of this House. May his coming days be happy ones.

Mr. HAYS of Arkansas. Mr. Speaker, I have listened with interest and deep appreciation to the tributes to our distinguished colleague, the gentleman from Pennsylvania. I share the great admiration expressed here today for SAM MCCONNELL and I am happy to join in the praise of his outstanding service in the Congress. Shortly after I took the oath of office as a Member of the 78th Congress, he joined us as a new Member coming as the victor in a special election. He quickly carved out a place for himself and impressed all of us with his talents and his devotion to the public service. He is a dedicated person. It has been a privilege, Mr. Speaker, to be associated with such a man as SAM MCCONNELL.

Mr. ELLIOTT. Mr. Speaker, I am happy to have this opportunity to praise

the public service of the gentleman from Pennsylvania [Mr. MCCONNELL].

I have enjoyed the rare privilege in recent years of serving in close relationship with SAM MCCONNELL on the House Committee on Education and Labor.

I have worked with him when his party was in power in the House. I have worked with him when my party was in power.

I had the privilege of serving on his subcommittee that examined into the operations of the vocational rehabilitation law and of other legislation pertaining to the physically and mentally handicapped, in 1953 and 1954. I had the privilege of traveling with SAM MCCONNELL and other members of the subcommittee in the fall of 1953 as we visited the outstanding rehabilitation centers in New York, in Virginia, in Alabama, and in Georgia. As I recall, we visited the Warm Springs Foundation on November 11, 1953, and while there visited the Little White House where Franklin Delano Roosevelt died.

Out of the work done by this subcommittee came the amendments to the Vocational Rehabilitation Act of 1954. Out of the many conversations I have had with SAM MCCONNELL I know that he regards his accomplishment in the legislative field of vocational rehabilitation as perhaps the crowning achievement of his career. His vision, his determination, his tact, and his temperament enabled him to lead in the performance of a great public service in the passage of this 1954 act. The best proof of that is the fact that State funds appropriated for matching Federal funds for vocational rehabilitation have increased from $14 million in 1954 to $22 million in 1957, an increase of $8 million or an increase of 57 percent. In my own State of Alabama State funds available for vocational rehabilitation have increased from $400,000 in 1954 to $736,000 in 1957, an increase of $336,000, or 84 percent. Actually, this new Vocational Rehabilitation Act is just now getting into full swing, and it is my judgment that appropriations by the States, and by the Federal Government under this act will greatly increase in the future. Likewise, the number of people being completely rehabilitated under the act is growing in similar proportion. A completely rehabilitated handicapped person is considered as one who has become employed or reemployed.

Just last week Mr. MCCONNELL told me that his interest in the new job that he will soon take grew directly out of the stimulation and interest generated by his work on this legislation in 1953 and 1954.

Another outstanding monument to the public service of SAM MCCONNELL is the Coal Mine Safety Act of a few years ago. His leadership in the passage of this act was most unusual and most outstanding. He represented a district which I am sure had no coal mines, yet he realized that legislation to protect the lives and limbs of those who mine the Nation's coal had to be passed. His foresight and his judgment in sponsoring the coal mine safety bill to passage in the United States House of Representatives has resulted, even now, in a reduction of coal mine accidents by a flat 50 percent.

These two major pieces of legislation illustrate, I think, the character of SAM MCCONNELL.

SAM MCCONNELL has a broad-gaged mind. He is a fearless thinker. He has a sense of independence surpassed by few men. The Nation was thrilled when it learned that SAM MCCONNELL spent the Congressional recess this year, traveling at his own expense, over sections of the country commonly regarded as being well-to-do sections to determine for himself whether or not this Nation needed to pass a bill providing Federal aid to the States for the purpose of building classrooms for America's schoolchildren. SAM MCCONNELL found the facts. He found that America needed a school construction bill. He threw himself into the fight to pass such a bill, and had it not been for the unfortunate circumstances which occurred during the debate on that bill, the Congress would have passed a school construction bill. He was magnificent, however, in the defeat which the school construction bill suffered.

SAM MCCONNELL's service in the United States House of Representatives has been most meaningful. He has built a record that will live through the ages. He leaves this body with the respect, admiration, and good will of all his colleagues. He carries their best wishes into his new career where they know he will accomplish many more great things for the benefit of mankind.

Mr. CHENOWETH. Mr. Speaker, I wish to join my colleagues in expressing regret on the resignation of our distinguished colleague from Pennsylvania, Mr. SAM MCCONNELL. His departure is a great loss to this body, to his district, and to the Nation. However, I know that he is to assume a most responsible position and will continue to serve his country in the years ahead.

It has been a great privilege and pleasure for me to serve with Sam in the House. I have greatly enjoyed my association with him over the years. He has a genial and friendly disposition, and it was easy for him to make friends. I cannot recall that I ever heard him speak ill of anyone.

The State of Pennsylvania can be proud of men like SAM MCCONNELL. I wish him success and much happiness for many years to come.

Mr. GAVIN. Mr. Speaker, I want to join with my colleagues in paying tribute to our mutual good and able friend, SAMUEL MCCONNELL. It was with a bit of sadness and sincere regret that I heard he was leaving the Congress of the United States after many years to accept the position of director of the National Cerebral Palsy Foundation, a position for which I know he has a deep understanding and for which he is eminently qualified.

Sam has been a hard worker while serving in the Congress; conscientious in the performance of his duties, and his work in the House, and as one of the ranking members of the Education and Labor Committee, has won and deserves the hearty commendations of the Members on both sides of the aisle.

He is greatly admired by all who know him, and he has a host of friends. Sam is always glad to see one and is gracious and kindly to everybody. He is the kind of friend one seeks for advice and counsel, and I have always found him to be sympathetic and helpful.

Sam is the kind of fellow who adds comfort to our daily lives and always rejoices mightily when any little word or deed of his adds to the happiness of any of us.

I cannot in a short time attempt to grasp or sum up the aggregate of his service in public life; however, over the years I would say that Sam, by his toil and stimulated by his love and patriotism for his State and Nation, has produced a performance that has won for him the hearty acclaim of all who know him.

He is a firm believer in our American way of life. His great faith in the principles and ideals of our Government is a deep-rooted growth of many years. I know his one great ambition in life is to hand on to posterity and the generations of tomorrow a finer, greater America than was handed to him.

In a life such as Sam's, perhaps the thing most to be admired is that he is a fine Christian citizen and gentleman, a devoted and patriotic American, who has contributed much to the building of his own particular district, his State and his Nation.

I wish for Sam and his family great happiness, success for the future, and all the good things in life over the years ahead. I sincerely hope that some day he will again join us and serve in the Congress of the United States.

Mr. WOLVERTON. Mr. Speaker, there is a mingling of pleasure and disappointment as I make these remarks relating to our colleague, SAM MCCONNELL, who leaves us to take up an important task of a great human welfare activity.

It is with a feeling of pleasure that the opportunity is afforded to me whereby I can express my high regard for a man as noble in character and as distinguished in public service as SAM MCCONNELL. Never have I had the opportunity to be associated with any man, in either public or private life, who has adhered as closely to the principles of rectitude and morality in his everyday life with his fellow man, nor with one who has been so genuinely accepted and acknowledged by all who knew him as possessing all the qualities that make for true and abiding friendship.

In the performance of his public duties, sincerity, honesty of purpose and ability have characterized his entire service in the Congress of the United States. He met trying situations with courage and understanding. He brought not only ability to the solution of these problems, but did so in such a genial and friendly manner that he always gained and held the admiration and respect of even those who may have had differing views. His friendly smile disarmed an opponent and made him a friend.

It is a great achievement for anyone to serve in the Congress as many years as our friend and be able to leave it with the knowledge that he has offended no one, and, that every Member, regard-

less of party affiliation, honors and respects him as a man and is glad to acknowledge him as a friend. This is the achievement of SAM MCCONNELL.

I opened my remarks by saying there was a mingling of pleasure and disappointment as our friend leaves us today. I have expressed my reasons for a feeling of pleasure, based on friendship and regard for SAM MCCONNELL. My feeling of regret arises in the thought that Sam passes out of the lives of most of us today as he takes up other duties and activities. But, while he may go from us, yet, because of his sterling qualities, he will ever remain in our thoughts as one of the choicest of our memories.

May God's blessing go with him and give him many years of health, happiness and success.

Mr. AUCHINCLOSS. Mr. Speaker, SAM MCCONNELL and I came to Congress at the same time and a friendship developed between us from the start. I have rarely met anyone with such a congenial spirit, delightfully accompanied by a gentle wit and a great sense of responsibility. His colleagues soon found out that he was a man of great ability who took his job seriously and, as the years went by and he attained the responsibilities of leadership, he always conducted himself with fairness and courtesy. When SAM MCCONNELL addressed the House you knew that he was well versed in his subject and he never resorted to demagoguery or blatant oratory. He will be missed in many ways but I am sure the decision he has reached to accept the position of executive director of the United Cerebral Palsy Associations, Inc., was only done after most careful consideration. There is no doubt that this trustworthy and wholesome-hearted American citizen will do well in whatever position he may fill and he carries with it the sincere and wholehearted best wishes of the many friends that he has made in the Congress.

Mr. WIGGLESWORTH. Mr. Speaker, I want to join in the tributes paid to our able and distinguished colleague, Hon. SAMUEL K. MCCONNELL, of Pennsylvania, who is leaving us at this time to accept the position of executive director of United Cerebral Palsy Associations, Inc.

He has rendered outstanding service to his district and to the Nation during the past 14 years in which he has been a Member of this House.

He has made a very special contribution as a member of the House Committee on Education and Labor, and as its senior Republican member and its chairman at a time when the committee has had most difficult problems to deal with.

By his character, his ability, and his spirit of fair play at all times he has won widespread respect in all walks of life, regardless of party affiliation.

His colleagues on both sides of the aisle who have both high regard and affection for him will greatly miss his daily association.

Sam and I have been good friends ever since he came to the Congress.

I have greatly valued his friendship over the years.

I join in wishing him every success and happiness in the work ahead.

Mr. CANFIELD. Mr. Speaker, the distinguished gentleman from Pennsylvania we affectionately know as SAM MCCONNELL leaves the House this week to become executive director of the United Cerebral Palsy Associations, Inc.

Having felt the friendly and inspiring influence of this most characterful and dedicated legislator during his 13 years of productive service in this body, I wish to make these observations:

He is an unforgettable statesman and humanitarian.

He believes his mission in life is to add to the sum of human happiness, subtract from the sum of human misery.

He has been preeminent in legislative endeavors for the handicapped, the underprivileged.

He has exalted service above self in a quiet yet very persuasive way and he believes he has been truly called to his new and challenging work.

I shall always feel close to SAM MCCONNELL and I believe that those, young and old, soon to feel and understand his ministrations, will be uplifted and come to love him.

Mr. FISHER. Mr. Speaker, the entire Nation is the loser when Members of Congress like SAM MCCONNELL retire from office. The announcement of his resignation in order to accept the position of executive director of the United Cerebral Palsy Associations, Inc., ends a Congressional career of distinction by one of the most popular and able Members of this body.

Having served for several years on the same committee with Sam, I watched him in action and got to know him well. Equipped with a brilliant, analytical mind, he seemed to always be a little ahead of the field in finding loopholes, detecting weaknesses, and bolstering vital features of legislation. He was indeed a devoted public servant, thinking always of the public interest when controversial legislation was being considered.

In my humble opinion SAM MCCONNELL has been one of the most respected, sincere, and valuable Members who has served in this body since I came here 16 years ago. We need more men like him. I join with my colleagues in this deserved recognition and praise, and extend to Sam and his family Godspeed and all good wishes for the future.

Mr. SAYLOR. Mr. Speaker, one of our most valued and most respected Members will not be in the House when Congress convenes in January. It is SAM MCCONNELL'S own decision, and he is to be admired for accepting the directorship of the United Cerebral Palsy Associations, Inc., in which position he is further dedicating himself to the interests of his fellow men. Yet we who have been associated with him cannot help but be reluctant to see him take leave of his service in Congress, for SAM MCCONNELL has always been a courageous leader and an inspiration to his colleagues.

The Honorable SAMUEL K. MCCONNELL was a legislator whom I came to admire from the time that he joined the Pennsylvania delegation as a Member of the House. Upon my own election to Congress several years later I found him to be all that I had envisioned: a warm and enthusiastic individual, a conscientious and industrious Congressman. While we have a number of times disagreed on policy or legislation, I have nevertheless always appreciated his points of view and conclusions on all controversial matters. On most of the major issues that came before the House during the past 8 years, SAM MCCONNELL and I were in hearty accord, and I can assure you that having so able a combatant on the same side provides the confidence that is often necessary for a winning effort.

SAM MCCONNELL has established a record in Congress that will increase his stature in Pennsylvania and in the whole Nation with the passing of years. Meanwhile his contributions to mankind in the field which he is now entering will further establish him as one of the century's outstanding Americans. I join my colleagues in wishing him success and continued happiness.

Mr. BAILEY. Mr. Speaker, it is with extreme regret that I view the retirement of our esteemed colleague, SAMUEL K. MCCONNELL, JR. My regret is tempered with the knowledge that in his new post he will continue to promote the cause of humanity.

SAM MCCONNELL and I have been closely associated in working for the boys and girls of America. Beginning in 1950 when we established the principle of Federal obligation to assist education in impacted areas through July of this year when the lack of leadership from the head of his own party pulled the rug from under SAM MCCONNELL, we have worked closely to promote the cause of better education in the United States.

In the field of mine safety legislation, another important issue with which I have been closely associated, I can safely state that what progress has been made is a direct result of the interest and hard work of the gentleman from Pennsylvania.

As he leaves the Congress, I wish to pay my respect and tribute to a good friend and able ally and a conscientious Congressman.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, I wish to join my colleagues from Pennsylvania and from other States in wishing SAM MCCONNELL the very best of everything as he leaves the Halls of Congress.

We will sorely miss him as our colleague in this House but he may be assured that the affection in which he is held here will not subside. We insist that he keep in touch with us and no doubt we will have opportunities to see him from time to time.

His devotion to his duties as a Member of this House and of the Education and Labor Committee is well known and need not be recounted here. National recognition has attended his efforts in behalf of the American people, and those who know him best are especially mindful of his sincerity of purpose.

SAM MCCONNELL has also rendered devoted and tireless service to his political party. His accomplishments as chairman of the Montgomery County Republican Committee have marked him as one of the most astute party leaders in the Commonwealth of Pennsylvania.

Undoubtedly, his activities on the county level have been a major factor in his thorough appreciation of the problems confronting State and local governmental authorities.

Since I became chairman of the National Republican Congressional Committee, I have worked closely with Sam on numerous Congressional campaign problems, particularly in Pennsylvania. He has been Pennsylvania's member on the Congressional committee, and I have sought his advice and assistance on a regular basis.

I will miss his wise counsel in this important area of my responsibilities. Pennsylvania Republicans will hope that Sam will maintain his interest in Republican affairs.

In his new position of trust, SAM MCCONNELL will give further evidence of his great ability in handling matters of vital public concern. We wish him well.

Mr. MARTIN. Mr. Speaker, I would like at this time to yield to the gentleman from Pennsylvania [Mr. MCCONNELL] and hope that he may want to say something to us in farewell.

Mr. MCCONNELL. Mr. Speaker, so often in life we feel we will be able to say the things we should say before we go—before we depart this life or before we leave a group with whom we have been associated. As Joseph Conrad the novelist stated in one of his interviews, it seems that the world creeps on us too fast to ever say the last word. That is how I feel today as I listen to these lovely statements of your regard for me and the complimentary things you have said about my service. They have made me feel very humble in one respect and very thankful deep in my heart in another way. I seem to have been destined by fate to have represented a very fine district and to have been associated in my public life with fine people.

Here in Congress I have been a most lucky man. Although I have been associated with the type of committee work which is emotionally controversial, as all of you know, nevertheless I leave you with a feeling that I do not have a single enemy among you. I know my heart has no enmity or bitter feeling in any way toward any person in this body.

This has been a marvelous education. On Monday I took my mother, who is 83 years of age, living with a nurse and not very well, my father being dead, I took her up to see her relatives. On our return trip she said, "You know, son, you have changed greatly since being a Member of Congress." She said, "It has broadened you. You seem to understand human problems and people better than you understood them before you went to Washington." Mother is quite correct. They know their sons. This Congressional life has changed me. I am a different man from when I arrived in Washington. Human beings as a whole are not bad. They are fundamentally decent, and if it were not so this world would crash within 24 hours. I know that so well. When I see an action at which others might look with disfavor, I say to myself do not be too disturbed, we are all heroes and cowards, saints and sinners. Qualities and emotions are so mixed up within all of us; the things we do and do not do. That is true. We do things that we ought not to do. We are such a mixture. It was for the glory of mankind and human beings that the Creator made us that way, because out of it develops real character.

So I leave you with joy in my heart, with respect in my heart; not only for you as individuals, because you have proven that by your devotion to your country, but I also leave this body with respect for our system of government, the American Republic.

I wish all of you well. If I can serve you in any way, it will be a joy. So I say goodby, au revoir, and may God be with you.

GENERAL LEAVE TO EXTEND REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H. R. 7915 just passed.

The SPEAKER. Is there objection?

There was no objection.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

Mr. ROONEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2603) to amend the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have a brief explanation of this bill?

Mr. ROONEY. The purpose of this bill is to delete certain language from the act of June 3, 1896, limiting the width between the pier and the bulkhead lines on the south shore of Gowanus Creek in my Congressional District in Brooklyn, N. Y., and also to limit the area that can be filled with solid materials.

Under the act of June 3, 1896, the width of the piers between the bulkhead and pierhead lines on the south shore of Gowanus Creek and Fort Hamilton in Brooklyn is limited to 300 feet. There is also a limit upon the amount of solid fill that may be used in the construction of such piers. The mayor of the city of New York, Hon. Robert F. Wagner, the borough president of the Borough of Brooklyn, Hon. John Cashmore, and the New York City authorities are presently engaged in planning a shipping terminal in this area of the Borough of Brooklyn. The plan of development determined to be most economical and practical would be inconsistent with the provisions of the existing 1896 law.

The proposed plan provides for the construction of a pier 700 feet wide and the use of a greater quantity of solid fill than is allowed by the law. These restrictive provisions are outmoded in view of the nature of present-day terminal operations and the size of the modern ships which would berth at the terminal.

The estimated cost of the proposed development is about $10 million; while with pile construction for the substructure, rather than fill, the cost would be about $4 million higher. Leasing negotiations are now in progress. This new terminal would not entail the appropriation or use of any Federal funds.

Mr. GROSS. Nor is it contemplated for it to be an authorization which entails the use of Federal funds in the future?

Mr. ROONEY. Not at all. The Corps of Army Engineers have no objection to the pending bill, and the Bureau of the Budget has no objection.

Mr. Speaker, I trust the House will pass this bill S. 2603 which is identical to the provisions of H. R. 8700 introduced by the gentleman from New York [Mr. BUCKLEY] and H. R. 8784 introduced by me. Unless we do, action on this meritorious legislation will be postponed until next year.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 314 of the laws of 1896, entitled, "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, is hereby amended by deleting therefrom the following paragraph:

"And in order to meet the demands of the greatly enlarged size of vessels, and of increasing commerce, it is hereby further provided that such piers as may be built between 17th Street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a linear width not to exceed 300 feet, and, whether, of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the inflow of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ABSENCE OF AMBASSADORS FROM THEIR POSTS

Mr. MORANO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORANO. Mr. Speaker, the absence of some of our Ambassadors from their posts has been given a lot of publicity recently as a result of hearings held before a committee of the other body. Some commentators and even public officials who should have known better have made extravagant, and even misleading statements, on the basis of information supplied by the Department of State. In several cases the statements

reflect adversely on some of our chiefs of mission.

My purpose in speaking on this subject is to put the matter in proper perspective. I particularly want to call attention to a few points that have been overlooked.

Chiefs of mission are excluded from the provisions of the Annual and Sick Leave Act of 1951, as amended. Therefore, the detailed leave records pertinent to other officers and employees of the Department and the Foreign Service have not been maintained for chiefs of mission. In this connection, the statistical information which forms the basis for these recent statements was compiled under great haste in the Department from various bits and pieces of information it had readily available. Only a complete check at each post abroad would make possible a more thorough statistical analysis—and even then it may not always be complete.

It is not possible to draw a neat line between official consultation and home leave. Frequently an ambassador returns to Washington for consultation. This means he makes himself available for talks with Department officials. For example, an Ambassador may have an appointment with the Secretary of State on Tuesday morning, with the Under Secretary of State on Thursday morning, and with officials of another agency on Friday afternoon. Are the times when he has no official appointments official duty or vacation? If he visits his dentist or doctor on Wednesday, is this vacation or sick leave?

When an Ambassador is in the United States, whether on official duty or on home leave, he frequently assumes the responsibility of addressing various organizations. This is an important function in public relations and in my judgment is an official function.

In one case an Ambassador is listed as having an extraordinarily long vacation period. It is not generally known that his absense was made necessary by the critical illness of his wife. In another case the Ambassador himself required extensive medical treatment that could only be obtained in this country.

I offer these few observations in the hope that before any further charges are made, the individuals making them will take the trouble to check thoroughly. I have been advised that the Department of State is now requiring the posts to forward periodic reports on the absence of chiefs of mission. This should serve as a future safeguard against those who seek publicity at the expense of our representatives abroad.

ACQUISITION OF LAND BY NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 3, after "tunnel," insert "taxi strip."

Page 2, line 3, strike out "$8,164,000" and insert "$8,914,000."

Page 2, line 20, strike out "$44,700,000" and insert "$45,450,000."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes today following the special orders heretofore entered, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9302. An act making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. SALTONSTALL, Mr. KNOWLAND, Mr. THYE, and Mr. DIRKSEN to be the conferees on the part of the Senate.

MUTUAL SECURITY APPROPRIATION BILL, 1958

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes, with amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, GARY, ROONEY, LANHAM, NATCHER, DENTON, ALEXANDER, SHEPPARD, TABER, WIGGLESWORTH, FORD, and MILLER of Maryland.

THE HOME PORT OF THE U. S. S. "RANGER" SHOULD BE BREMERTON

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, in the CONGRESSIONAL RECORD, under an extension of remarks on Monday, August 26, 1957, my good friend and highly imaginative colleague from the 18th District of California, which includes Long Beach [Mr. HOSMER], quotes a columnist, Virginia Kelly. Who Miss Kelly is or where her column appears I do not know; but she enters into the field of naval strategy, and suggests that the new *Forrestal* class carrier, U. S. S. *Ranger*, be home ported at Long Beach because of operational and flying conditions, alleged better living conditions for Navy families, and because of the drydocking facilities there. Miss Kelly's article compares Long Beach with San Francisco and the Puget Sound Naval Shipyard at Bremerton, Wash.

Mr. Speaker, the gentleman from California, in inserting Miss Kelly's statement indicates that in his opinion Long Beach should stand at the top of the selection list. His extension of remarks has a title, "U. S. S. *Ranger* West Coast Home Port: Why Not Long Beach?" The gentleman from Washington [Mr. PELLY] whose Congressional District includes the Puget Sound Naval Shipyard, will give the gentleman an answer. It is contained in the general debate on authorizing construction and conversion of certain naval vessels under date of February 1, 1956. This will be found in the CONGRESSIONAL RECORD, volume 102, part 2, pages 1837–1838.

Reference to the debate will show that the gentleman from Iowa [Mr. GROSS] raised the point of dispersal of aircraft carriers and stated that he had received a clipping from a constituent with a Chicago Tribune picture page under date of December 21, 1955, showing the carriers *Hornet, Princeton, Shangri-La, Lexington, Philippine Sea,* and the *Wasp*—all berthed within an area of about 2 miles in the harbor of San Diego. The gentleman from Iowa quotes correspondence he had had with the Secretary of Defense, and concluded with some comments of his own with which I at that time agreed, namely that such an undue concentration of our combat vessels was an open invitation to an enemy to destroy the backbone of our entire fleet with one bomb.

In turn, as the record will show, the very distinguished chairman of the Armed Services Committee, the gentleman from Georgia [Mr. VINSON], congratulated the gentleman from Iowa [Mr. GROSS] in calling this to the attention of the committee, and agreed with everything he said. The gentleman from Georgia said he could see no reason why aircraft carriers could not be berthed at Bremerton, Hunters Point, or San Pedro rather than concentrating

all at the port of San Diego. He said the point was well taken, and the Department should not, under any circumstances, berth the aircraft carriers all in one port at any one time.

I recommend, Mr. Speaker, that the gentleman from Cailfornia [Mr. HOSMER] read the entire discussion on dispersal contained in these pages of the CONGRESSIONAL RECORD to which I have referred. And likewise I recommend the careful reading of these pages to the columnist, Virginia Kelly, because already there are a great many combat vessels home ported at Long Beach, and in fact our entire Pacific Fleet, and I have expressed this view for a long time, is not properly dispersed. We always will be taking a calculated risk until such time as the suggestion of the gentleman from Georgia [Mr. VINSON] is put into effect and the other west-coast locations are utilized.

As the gentleman from California [Mr. HOSMER] knows so well, the construction of a new drydock especially designed for *Forrestal*-type carriers is due to commence early in 1958 at Bremerton. Most logically the U. S. S. *Ranger* should be home ported in Bremerton, and under date of August 15, 1957, I wrote to the Chief of Naval Operations, Adm. Arleigh Burke, urging the Bremerton selection.

Dispersal is no new idea as far as the gentleman from Washington [Mr. PELLY] is concerned. When the gentleman from Iowa [Mr. GROSS] in 1956 raised this issue I commended him, and said that during the previous session of Congress I had written the Secretary of the Navy urging dispersal on the Pacific coast, and then as now I expressed the viewpoint that we have a dangerous situation.

It is true, as Miss Kelly has indicated, that Long Beach offers good living conditions for Navy families. Long Beach has been drawing oil from under the Long Beach naval shipyard, causing it to sink, and I think with the $12 million yearly in profits the city is able to do a lot for naval personnel. But, Mr. Speaker, it is about time that the Navy instituted suit for damages, because it will cost the American taxpayers some $30 million to protect the Long Beach Naval Shipyard from being flooded due to sinking. I fail to understand why those who take the oil from beneath the shipyard should not pay for the damage. However, that is beside the point. There is fine housing and wholesome and unexcelled living in the Puget Sound area for naval families. Under existing conditions every naval vessel that is assigned to the Bremerton yard for overhaul before and after must go to southern California for morale purposes so that members of the crew can visit their families. It would be a great economy to have some of these families living in the Bremerton area so the ships could eliminate these unnecessary trips for sea trials after drydocking at Puget Sound.

Mr. Speaker, I hope this answers the question of the gentleman from California. Since he and I are good friends and both strong believers in the Navy as a deterrent to war, and since we agree on many issues, including the need for proper recognition of the Pacific coast and other matters equally important to the national welfare, I will conclude by suggesting that my friend from California sit down and allow me to explain to him the extremely cogent reasons why the U. S. S. *Ranger* should be home ported at Bremerton when it comes to the Pacific coast. I know that my fair-minded friend will see the vast area of Oregon, Washington, and Alaska where there are no fighting units of the fleet based, and thus there is a defense vacuum. I know that the gentleman from California will not want a situation to exist where we could have a second Pearl Harbor.

CANADIAN GAS—INTERNATIONAL WINDFALL OR DOWNFALL

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, as this session of Congress nears adjournment, I suggest that we all take another look at the Trans-Canada Gas case which is before the Federal Power Commission. After a brief summer recess, the hearings will be resumed and very likely continue at least throughout the remainder of the year. I am happy to note that numerous other Members of the House and Senate have since April 11, when I first called attention to the perils inherent in the gas import proposals, joined in rising opposition to the Canada-United States pipeline. In addition, the present party in power in Ottawa apparently shares many of our suspicions about the practicability of the project.

While perennial animosities and sporadic outbursts persists among peoples over most of the world, the United States has been blessed in having such friendly, such understanding, and such highly respected neighbors to our north. We may have occasional squabbles about wheat and other commodities in international trade, or about jurisdiction over the rushing waters that divide our eastern boundaries, or about other items inconsequential to the overall perspective. They are of no greater significance than the occasional tiffs that occur between States of the Union. Maryland and Virginia, for instance, have their differences on fishing rights; intrastate freight rates are a source of continual contention among various States; and there is the age-old topic of water rights that inevitably leads to dissention regardless of how friendly neighbors may be.

The harmony that prevails between United States and Canada was well described in the August 5 issue of Time magazine's Canadian edition. It mentioned that most of Canada's population lives within 200 miles of the United States border, and that, collectively, Canadians travel into this country some 27 million times a year, with American visitors reciprocating at about the same frequency. The relationship—philosophically, culturally, and from the standpoint of education—is so close between American and Canadians that automobile license plates are usually the only mark of identification on these foreign tourists in either country.

The United States appreciates the friendship of the Canadian people, and we want to do nothing to jeopardize our relationships with the Dominion. Last year there was considerable to-do at the capitol in Ottawa regarding a venture on the part of private American interests into the natural gas business in Canada. With the election of a new Canadian Government, headed by Prime Minister John Diefenbaker, it now appears that this issue is not going to become as serious as had been indicated. The Prime Minister himself is apparently going to insist that the matter be settled to the satisfaction of the people of Canada, not to the satisfaction of the oil and gas millionaires from Texas.

Time magazine took notice of that issue in this manner:

> All the tensions generated by Canada's historic postwar rise vibrated through the House of Commons one day in May 1956, when the liberal government's economic czar, Trade and Commerce Minister Howe, brought in a bill to insure the construction of a gas pipeline from Alberta to eastern Canada. The franchise had already been granted to Trans-Canada Pipe Lines Ltd., a corporation controlled by United States oilmen; now Howe proposed to lend the company $80 million to start construction. In addition, Howe planned to set up a government corporation to build an uneconomic section of the line. Angrily, the Tories in the House tried to shout down the loan. If government aid were needed, argued Tory Leader George Drew, let it go to a company controlled by Canadians. Minister Howe bulled ahead; the liberals invoked a rarely used and unpopular closure motion to shut off debate and whip the bill through.

During debate in the House of Commons, Mrs. Diefenbaker revealed that American interests were behind the pipeline, and he alleged that the United States companies involved would benefit at the expense of Canada by $2 million a year for 25 years.

Mr. Diefenbaker asserted that prices to be paid for the gas by American pipelines would be far less than those charged to Canadian consumers.

Throughout the pipeline debate, Mr. Diefenbaker and the other Conservative Party Members of Parliament sought to determine for the people of Canada just what deals the management of Trans-Canada had entered into with its part owner, Tennessee Gas Transmission Co. The Conservatives knew quite well that any sale of large volumes of gas by Trans-Canada, which was then dominated by Tennessee Gas Transmission Co., to Midwestern Gas Transmission Co., which was and still is completely owned by Tennessee, would not be made with the welfare of the Canadian people in mind. At the same time the Canadian public was being asked to lend to the wealthy backers of Trans-Canada $80 million of public funds to get the lines started. The Canadian public was further being asked to build outright the $130 million uneconomic northern Ontario section of the line which would then be leased to Trans-Canada. Mr. Diefenbaker insisted that the imposition

of cloture by Mr. Howe denied to Mr. Diefenbaker and his associates their right to learn the facts.

During Canada's last election the voters let it be known that they sided with the Diefenbaker party and presumably they too want to know about the gas deals that the new Prime Minister believes were inimical to their rights and interests.

Now that Mr. Diefenbaker, whom Time describes as "proudly and confessedly a nationalist," is Prime Minister, he will unquestionably make a thorough and unbiased investigation of the dealings between Trans-Canada and its allied companies. Mr. Diefenbaker is certainly justified in his attitude, for if the American public were to be subjected to a similar deal, you can be sure that Congress would lose no time in asking where, when, who, why, how, and by what authority.

Even the most fervent American patriot is dubious of a deal which would allow Canadian gas to enter the United States at rates below those being charged to consumers in Canada, regardless of the fact that it appears to be a terrific bargain for the Americans. We admittedly have some excellent horse traders among our gas industry gentry, but no one can be so naive as to assume that Canadians will play dead if they feel they are being subjected to conscious discrimination. Anyone who has seen the Alouettes, Argonauts, Stampeders, or their Canadian opponents play football knows full well that you do not get away with sucker plays against them any more than you do in Pittsburgh, Detroit, Chicago, and points west.

Through some strange maneuvers, Midwestern Gas Transmission Co., whose application to import Canadian gas in one of the cases is now before the FPC, has contracted to pay an average of 27.76 cents per million cubic feet for Canadian gas during the 25-year period of its contract. At the same time, the Winnipeg & Central Gas Co., which is actually closer to the source of production, would be required to pay 35.68 cents per thousand cubic feet for the same fuel during the period of its contract. These figures are based on the contracted minimum load factors, but even under 100 percent load factors Midwestern would still have a decided advantage throughout the 25-year period.

Midwestern proposes to purchase the gas at Emerson, Minn., a point 48 miles farther from the gas fields than Winnipeg. To make the situation even more incongruous, the 48-mile line from Winnipeg to Emerson must be constructed by Trans-Canada Pipe Lines, Ltd., at a cost of between 3½ and 4 million dollars, a service for which, of course, the proposed United States consumers would pay absolutely nothing. As one observer at the FPC hearings recently remarked:

> It's nice work if you can get it, but the Canadian public is certainly too intelligent to permit itself to be taken in by this type of promotion once the facts become known.

It is true that the old medicine man could come into a town and peddle large quantities of colored water as a cure-all for everything from headache to chilblain, but he was always careful not to play the same circuit twice. The Canadian gas deal is a long-range proposition that precludes hit-and-run salesmanship. Sooner or later the people on the other side of the line are certain to object, and in the end those eager to take advantage of the loss-leader bait are apt to pay the consequences. The cheap gas from Canada may be very enticing to potential customers in the Midwest, but the savings accrued from the bargain rates could evaporate quickly if the Canadian Government decided to make up for the losses to its people by imposing an export tax to balance the books.

In all likelihood, Mr. Diefenbaker will carry his investigation right into the producing fields. He will learn that the price of Alberta gas to Trans-Canada Pipelines, Ltd., through December 31, 1958, is set at 10 cents per thousand cubic feet, with a slight rise to take place from year to year until it reaches 15.75 cents per thousand cubic feet in 1981, and is to remain at this price thereafter. He will ask, "How do these prices compare with the cost of natural gas which Midwestern's parent, Tennessee Gas Transmission Co., is paying elsewhere?" He will learn that Tennessee has recently agreed to purchase large volumes of gas located from 10 to 25 miles out in the Gulf of Mexico at an initial price of 22.4 cents per thousand cubic feet, including 1 cent Louisiana tax, through November 1, 1962; by 1986 this price will have risen to 36.46 per thousand cubic feet. He will also learn that it will cost Tennessee Gas Transmission Co. another 3 to 5 cents per thousand cubic feet to transport this gas to the Louisiana mainland where it can enter Tennessee between 25 to 27 cents per thousand cubic feet but will still be as far from the market area of Tennessee's affiliated Midwestern as is the 10-cent Canadian gas.

Mr. Diefenbaker will learn that the price agreed on between Tennessee and the Gulf of Mexico producing companies was the lowest possible; at least here is how Tennessee's counsel explained negotiations to the FPC on June 12 of this year:

> The negotiations between Tennessee and the producers began back in October 1955. It ended some 10 months later with the execution of the contract on August 17, 1956.
>
> Now, those 10 months involved the hardest kind of bare-knuckly bargaining as to price and as to other terms and conditions. The bidding for this gas, or the competition for this gas was keen. Four other major pipelines wanted this gas because it was well located, it represented the largest block of gas available in the gulf coast area, and was a very desirable reserve.
>
> We were satisfied with the price or else we would not have appended our signatures to the contract, although it is fair to say, and the record shows that we fought as hard as we knew how to secure a lower price.

Mr. Diefenbaker will surely be interested in the fact that Tennessee had to fight to buy gas from 26 to 39 cents per thousand cubic feet in Louisiana while its potential supplier and affiliate in Canada is getting gas from the Canadian producer at 10 to 15¾ cents per thousand cubic feet.

When the new Prime Minister's investigation is completed, the balloons advertising cheap Canadian gas for the United States may be quickly deflated. The natural gas which Midwestern and Tennessee want to buy at Emerson for 27.27 cents over a 25-year period can become considerably more expensive as quickly as legislation can be enacted in Ottawa. Or it can become completely nonexistent if Mr. Diefenbaker finds that cheap Canadian gas is not in excess of Canada's needs but is required to provide heat and power for the homes and businesses of the Canadians whose tax money was loaned to Trans-Canada to get the line started and whose tax money is being used to build the uneconomic $130-million northern Ontario section of the line.

The pipeline people who have ostensibly negotiated such an advantageous transaction with Trans-Canada are—as they have demonstrated before the FPC—most desirous that the commission expedite the hearings. And well they might hope for immediate approval of their applications. With Prime Minister Diefenbaker already having expressed himself so vehemently on the subject, the applicants realize that their primary hope lies in rushing a line from the border before the Canadian Government takes action that would invalidate the promises of cheap gas for the Midwest.

The pipeliners want the FPC to endorse their proposal immediately so that they can establish a reliance upon Canadian fuel before the blowup takes place in Ottawa. They recognize that the Canadian Government is empowered to obtain such supplies of gas for domestic use as are considered necessary, and that there is every chance the party in power will eventually decide that permitting natural gas to be sold outside the country at bargain rates is against the public interest and must be cut off. In that event, after a dependence upon this fuel had been established in the areas where the pipeline had snaked its way from the border, the United States consumer would be helpless to do anything but pay the piper whatever his new price might be.

The pipeline interests do not worry about boosting prices, for they know by experience that once their monopoly status has been granted the consumer has no alternative but to suffer through boost after boost. If Canadian gas preempts our Midwest markets on the loss leader basis, there will thereafter be no coal and oil products immediately available for the industrial and domestic producers to turn to in time or urgent need. Coal and oil dealers in the Midwest are no different from any other businessmen. They cannot afford to keep the store open if their patrons quit coming in. Once these businesses have been driven out, the customer loses any opportunity to complain about what he is going to pay for the monopoly fuel that has invaded the area and usurped the markets.

Mr. Speaker, we who represent coal areas will be watching the Canadian gas cases whether or not Congress is in adjournment. The gas pressure upon the FPC is tremendous, but we are confident that the Commission will not succumb to

it. It would be grossly unfair to allow a foreign fuel—subject to cutoff or price increase at any time—to displace a product which is the medium of employment for thousands of American coal miners, railroaders, dockworkers, truckdrivers, and other labor groups in allied industries and businesses.

I reiterate, Mr. Speaker, that we are proud of our associations with the people of Canada. When they are in need, we will always be ready to help, and I am sure that they would reciprocate if the situation were reversed. At the moment, however, the United States is not suffering from a shortage of fuel, and even if we were we would not expect Canada to give it to us at a price below that which their own citizens must pay. We value Canada's friendship, but we do not feel that it is necessary for her to offer us M. c. f.'s of B. t. u.'s at a percentage of what residents of Canada are charged for the same product.

TO AMEND RAILROAD RETIREMENT ACT TO PROVIDE FOR INVESTMENT IN FEDERAL HOUSING MORTGAGES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, I am today introducing a bill aimed at benefiting retired railroad workers and firming up the present soft lumber market.

The three major objectives of the bill are as follows:

First. To benefit retired railroad employees by increasing the railroad retirement fund. This would be accomplished by directing the Secretary of the Treasury to invest at least part of the fund in Government-insured mortgages, which bear interest at a considerably higher rate than the special-issue Government bonds to which the fund is now restricted.

Second. To help hundreds of thousands of families throughout the country to purchase their own homes, despite the tight-money policies of the administration, by making available not less than $1 billion from the retirement fund for investment in the secondary mortgage market.

Third. To give a much-needed boost to the sagging lumber industry of the Pacific Northwest, and especially southwestern Oregon, as an indirect result of the upswing in housing starts which would occur.

The title of the legislation reads: "A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner."

I decided to introduce the bill before the end of the present session of Congress so that there would be time during the recess for the various Government agencies involved to study the legislation and prepare reports on it for the House committee to which the bill will be referred.

I recognize that there will be objections to this bill from the Department of the Treasury and possibly from other agencies. There may even be some opposition from certain members of the Railroad Retirement Board and from some representatives of the railroads and railroad labor groups. However, I believe this opposition can be met and overcome when the provisions of the bill are fully explained, understood, and, if necessary, revised in some respects.

Investment of money from the railroad retirement fund will net the fund a return of at least 1¼ percent more than it now gets from the special-issue Government bonds in which the fund must, by present law, be invested. These bonds return a guaranteed 3 percent interest. Under my bill the return could never be less than 3 percent on FHA insured mortgages and could be much higher, since the present interest rate on these mortgages was recently increased to 5¼ percent.

The bill directs the Federal National Mortgage Association to act as agent for the Secretary of the Treasury for the purpose of purchasing, servicing, and selling mortgages for the railroad retirement fund. FNMA would be allowed to deduct from the monthly interest payment the cost of such servicing, but not to exceed 1 percent.

Even if the service cost used up a full 1 percent, the net return to the fund from FHA mortgages would not be less than 4¼ percent and, since FHA mortgages are now selling at discounts in many areas of the country, the net return could actually be somewhat higher.

It is obvious that the railroad retirement fund could realize as much as $25 million a year more in interest from investment in these Government-insured mortgages than it now receives from the bonds. Furthermore, the investment, under the provisions of my bill, would be just as well protected as it has been in the past.

I do not feel that this bill, as written, is the last word. I expect the committee to come up with recommendations for amendments to modify the legislation after it has had a chance to make studies and hold hearings.

If the bill should become law as written, it would certainly have the effect of easing the tight-money market in the home-mortgage field, by making at least a billion dollars available for investment in FHA mortgages. This would undoubtedly lead to a significant increase in housing starts in most areas of the country and would expand the market considerably for western Oregon lumber products.

The bill is as follows:

A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner

Be it enacted, etc., That section 15 of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new subsection:

"(e) (1) The Secretary of the Treasury shall invest and reinvest not less than $1 billion out of the railroad retirement account by purchasing, and (in the case of loans on new construction) by making commitments to purchase, mortgages hereafter insured under section 203 of the National Housing Act. The price to be paid for any such mortgage shall not exceed the unpaid principal balance thereof plus accrued interest. No such mortgage shall be purchased under this subsection (A) except from the original mortgagee before any other sale thereof, (B) unless the sales price of the property securing such mortgage is $15,000 or less, (C) unless the construction of the housing covered by the mortgage is completed after the date of enactment of this subsection, and (D) unless the Secretary of the Treasury determines that the rate of the net return on such mortgage will exceed, whichever is higher, the average rate of interest payable on the interest-bearing obligations of the United States having maturities of 10 or more years most recently issued, or 3 percent per annum. Any mortgage so purchased may be sold for an amount sufficient to insure that the railroad retirement account will not have sustained any loss in connection with the purchase and sale of the mortgage. If any mortgage acquired under this subsection shall default, and the Secretary of the Treasury determines the default to be insoluble, he shall assign, transfer, and deliver to the Federal Housing Commissioner all rights and interests arising under the mortgage and all claims, assets, and documents in connection therewith. Upon such assignment, transfer, and delivery, the Commissioner shall pay in cash to the railroad retirement account the entire unpaid principal balance of the mortgage plus accrued interest. The Secretary of the Treasury is authorized to make such regulations (including regulations prescribing additional conditions for the purchase of mortgages under this subsection) as he may deem necessary or appropriate to carry out this subsection.

"(2) The Federal National Mortgage Association shall act for the Secretary of the Treasury with respect to the purchase, servicing, and sale of mortgages under this section. The Secretary shall reimburse the Federal National Mortgage Association for expenses incurred by it in carrying out its functions under the preceding sentence from the income derived under such mortgages; but such reimbursement shall not exceed an amount, payable from the interest portion of each monthly installment applicable to principal and interest collected, equal to 1 percent per annum computed on the same principal amount and for the same period as the interest portion of such installment."

COMITY BETWEEN THE TWO BODIES OF CONGRESS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as I understand the rules of the House it would not be permitted for a Member of this House to refer to a measure passed by the other body as a steal, since such a word would imply that Members of the body who had voted for it were party to a crime.

The Illinois delegation, and I include the Democrats and the Republican Members, very much resent that which appears on page 15871 of the CONGRESSIONAL RECORD of yesterday. The head-

ing is "The Need for Continued Opposition to the Chicago Water Steal."

We appreciate that when there is no area of argument or opposition, resort is made to name-calling. This, of course, is evidence that there is no argument.

We do think that it is pretty bad taste on the part of the headline writers to put in such a headline as "The Need for Continued Opposition to the Chicago Water Steal."

CLARIFY SUPREME COURT DECISIONS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I think it would be most unfortunate, indeed it could be disastrous in some respects, if Congress were to adjourn without enacting pending legislation designed to correct and adjust the effects of several recent Supreme Court decisions. The action we have just taken was most appropriate.

Our great and distinguished Supreme Court as head of one of the coordinate branches of our Government holds a high place in the estimation of the American people. Historically, this greatest of all democratic, judicial tribunals has been a valuable, stabilizing and interpretative force in providing balance and equilibrium between governmental branches and defining and interpreting constitutional limitations. It is as essential and indispensable as the executive or legislative departments. It must keep its proper relationship in our constitutional governmental arrangements. It must not assume legislative or executive functions.

Like other institutions, it is conducted and directed by human beings, and thus is a human agency, fallible and not infallible, subject to mistake and error like all other human beings.

It has been very disturbing for Congress and the American people to note the nature and consequences of some of the recent decisions of the Court. This is true, not only of one, but of several cases. It would appear that in some respects the Court is embracing an entirely new legal philosophy which departs radically from time-honored judicial precedents and constitutional concepts.

Some of these decisions have, in effect, crippled the conduct of Congressional investigations in the exercise of our remedial, lawmaking and informing functions. Another has taken from the sovereign States the historic right to protect themselves against subversion. Another, we have just acted upon, has hampered the FBI and has already resulted in the release of several persons accused of serious crimes. The FBI states in substance that this decision will have deepest repercussions upon its entire investigative process by destroying its system of securing evidence through informants and opening its most secret files to inspection.

Still another decision stripped local school boards of their right to select teachers of their own choice in whom they could have trust and confidence as to their character, fitness, and patriotism.

Still another decision seriously checked the power of Congress to punish subversive activities.

Several of these decisions, I repeat, have greatly disturbed the Nation.

Our great House Judiciary Committee has considered and reported measures to offset several of these decisions, and I cannot understand why all these bills have not been brought to the floor of the House for discussion, extended debate and action. I believe we have a distinct duty to apply the remedy and to cure the obviously confusing and undesirable aspects of some of these decisions.

I have carefully studied these decisions and noted that some of them read more like philosophical treatises than judicial opinions. They invoked strange doctrine, novel legal reasoning and no inconsiderable conflict with established precedents. They represent a neofunctional approach to constitutional problems.

The Court is entitled to formulate its opinions in terminology and language of its own choice, however puzzling and vague it may be to members of the bar who are well versed in constitutional legal principles. It is the effect of the opinions, however, that must give us all pause as well as resolve to do what we can with all due respect to bring about legislative adjustment.

I do not propose to indulge in personal criticism of the Court because I have respect for its membership. Like many others, I disagree with the results in some cases, and I do not believe that, if we are going to have a government of laws by men in this country, the lawmaking branch can afford not to move with all promptitude to enact laws that will make it very clear to our courts and our citizens what the legislative intent is regarding many grave questions affecting the security of the Nation, and the powers of Congress as well as the powers of our sovereign States.

I urge the House committees, and the Rules Committee, considering these measures to bring more of them to the floor before adjournment so that necessary action may be taken to apply proper remedies.

INFLATION VERSUS DEFLATION

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, even a casual survey of present price levels, interest rates, taxes and budget policy indicates beyond question that our economic and financial system is in the throes of dangerous inflationary pressures.

These conditions have been evident for some time past to Members of Congress who are called upon by their constituents to do something about rising prices and rising interest rates threatening the economic stability of ordinary working men and women as well as businessmen, particularly small-business men.

We are told by high officials of the Government that inflation comes from total demand exceeding total supplies, particularly in the money market where the demand for funds has badly outrun savings.

It is argued that to restrain further inflation there must be a moderation of spending, both governmental and private, until the demands for funds are balanced by savings. A larger budget surplus and an effective monetary policy to restrain the growth of bank credit are also suggested.

Admittedly, the causes of inflation are complex and the result of a variety of conditions in the economy. We know from sad experience that inflation leads ultimately to deflation, depression, unemployment and social ills and evils bringing untold hardship to every segment of the economy and all our people.

The Congress and the Government must make determined concerted efforts to combat the dangers of inflation. It is gratifying to note that this session of Congress has moved to curb unnecessary, wasteful spending, and to reduce the high budget, and it is to be hoped that this will lead to a substantial Federal surplus, and permit early tax relief.

Current interest rate policies are undoubtedly producing many undesirable effects. Business is feeling the pinch of shortened credit and tight money. The brunt of these effects appears to fall upon small business. Current credit and money shortages and high interest rates are penalizing and obstructing economic activity in many fields. We must be concerned lest this process may precipitate and release deflationary forces in the economy which will more than offset inflationary trends and cause business retrenchment and unemployment.

Of late, I have been greatly disturbed by some of the viewpoints expressed by high Government officials dealing with our credit and monetary problems and controls. At the same time I realize how difficult it is to execute policies in this field once that the inflationary spiral has gained substantial impetus.

One thing strikes me very definitely and forcibly however, and that is, that this Government cannot allow any of our efforts to check inflation to reach such proportions that they invite or produce deflation. It is most difficult to strike a balance, I know, and the problem of timing credit and monetary decisions are extremely challenging and complex. But it must be our purpose whatever we do in this field to retain a high level of prosperity and employment in our dynamic economy with its great potential for healthy expansion.

We are living in a period of rapid change. Politically, economically, socially, and in every other way the Nation is moving toward new frontiers of achievement. The population is growing

in leaps and bounds and has increased about 28 million since 1940. Almost incredible developments in the world of science and technology have opened up for the American people new vistas of opportunity. The prospects for progress, increased prosperity, and broader measures of opportunity and higher standards of living are improving every day. It would seem clear that the country is destined for additional marked growth and advancement in every field. Our aim must be, notwithstanding these great changes and readjustments, to keep the economy on a sound basis and to maintain it as a great free system of enterprise furnishing unbounded opportunities for all our people.

I do not agree with the philosophy which holds that in order to check inflation it is necessary to pursue policies that will bring economic losses to industry and individuals. In fact, I think this is the very end we should scrupulously seek to avoid.

It is to be recognized that in any system like ours, which is featured by venture and risk, that economic losses will occur in any event. Sometimes these losses are accompanied by reduced employment and depressed economic conditions. Such losses are in the nature of human endeavor since for one reason or another every venture cannot be successful and some are ill advised and not competently handled.

But on the whole, losses resulting from the ordinary risks of venture and enterprise are minimal, and not necessarily a part of major deflationary dislocation. It is the duty of this Government to encourage, and not to discourage, ambitious citizens and groups to strive for economic and professional success. It should be the policy of this Government not only to engender a national climate productive of this end, but also to see to it that no conditions are deliberately or consciously induced which may restrict free opportunity and induce deflationary influences and results in the economy.

The Government cannot be responsible for conducting or supporting the private business operations of its citizens. But it must assume responsibility at all times for setting up safeguards against the recurrence of widespread depression which we know from sorry experience brings heartache, privation, and misery to millions of people.

There is no more certain way to insure the success and growth of radical, political, and economic movements in this Nation than for the Government to reject its responsibility to encourage and maintain favorable economic conditions in the economy and the Nation.

If depressions are man-made, they can and must be man-prevented, and the Government simply cannot afford to allow them to develop, let alone by deliberate policy give impetus to monetary and economic influences which will inevitably produce them.

I hope that appropriate officials of the Government will keep these plain economic truths in mind because popular psychology is peculiarly sensitive to the application of harsh credit and monetary controls.

As economic history clearly discloses, the greatest losses and sufferings that result from depressed conditions fall upon small business units and individual citizens. Big and small business can both exist and prosper in this country, but this Government could not possibly pursue a worse or more disastrous economic policy than that of discriminating against small business in favor of huge aggregations of wealth and power which are usually well able to take care of themselves.

If we keep in mind the human, humane, and spiritual elements that are intertwined and so essential in our economic relationships, indeed in all our relationships, and safeguard the basic rights and liberties of the people, our advancement to these new frontiers of achievement, prosperity, and betterment will be assured.

I most respectfully urge upon the Government, the administration, and its high officials, that utmost care be exercised in applying credit and monetary controls and in developing all necessary safeguards and instrumentalities designed to promote our advancing economic prosperity and the continued employment of our citizens.

In a word, deflation can be even a greater threat to national welfare than inflation.

Let us recognize this fact and scrupulously avoid those policies which will promote deflation and its evils. We have the instruments available to accomplish this end. Let us use them.

RICHARD ATTRIDGE—FAMED WRITER

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I include as a part of my remarks a very thoughtful, ably written editorial by my friend and neighbor, Mr. Richard Attridge, famed writer, which recently appeared in the Saturday Evening Post.

Mr. Attridge, who has made many outstanding literary contributions is a regular contributor to this great national magazine, and his editorials and articles are invariably very well received and reflect many accurate, pertinent commentaries on contemporary American life. Mr. Attridge is extremely versatile, his writings cover a wide range and are widely and enthusiastically read. I am highly privileged to commend him for his fine work.

[From the Clinton (Mass.) Daily Item of August 23, 1957]

ATTRIDGE SAYS OUR NEIGHBORS KNOW ALL ABOUT US

A staff-written editorial by Richard Attridge, nationally known Clinton author, in a recent issue of the Saturday Evening Post, takes a quick look over the Nation's backyard fences, and comes up with some pros and cons on a great American institution: Neighbors.

"Even in the days of America's wide-open spaces, when Mark Twain was working on a western territorial paper, neighbors were always fair game for editorial writers," the Clinton commentator observes. "As our population booms, and people are piled on top of each other, they'll have greater responsibility for preserving privacy—their own and their neighbor's too."

The Post editorial, printed under the heading, "Neighbors Are All Right, When They're Not Too Darn Close," runs as follows:

"Neighbors are the people who live next door, some cynics think, too close for comfort. If they live across the street, they are usually the people whose picture window looks into our picture window. This unavoidable proximity of neighbors, and the tendency to make modern dwellings about 50-percent transparent, has given a new edge to the old saw: People who live in glasshouses shouldn't throw parties.

"America is undoubtedly the most neighborly country in existence, a fact that causes some consternation in many parts of the world where people go in for high hedges and solid walls around their property, put a premium on privacy, and feel that buying or renting a place next door hardly constitutes an introduction. Americans sentimentalize the word 'neighbor,' write songs and commercial jingles starting off 'Hi, neighbor,' and put a lot of semantic faith in almost any international good-neighbor policy.

"American neighbors must be credited with taking a sincere interest in each other's problems: How much, for example, the head of the house next door really earns, how much the lady of the house spends at the beauty shop, and how well Junior is doing in college—especially if he isn't. They are always sorry to hear about their neighbor's family troubles or dissensions, but, of course, they always hear about them. There is reputed to be more kindly neighborliness in the country and rural areas, but this may occur simply because the houses are farther apart. There is certainly much less in cities, where residents of a 200-family apartment house would have no time to make a living if they tried to be neighborly with everyone within shouting distance.

"On the whole, maybe the best thing about real neighbors in towns and smaller cities is that they know all about us—certainly everything to our discredit—and if they are still speaking to us after 6 months, they're probably our friends for life.

GENERAL WOOTEN'S AWARD

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I include as a part of my remarks a recent article from the celebrated Worcester (Mass.) Evening Gazette relative to the recent award to the distinguished commander of Fort Devens, Ayer, Mass., Brig. Gen. Sidney C. Wooten.

It will be recalled by Members of Congress and others interested in the program that General Wooten was in charge of the Refugee Reception Center at Camp Kilmer, N. J., last winter when 32,000 refugees from Hungary were processed and admitted to the United States.

There has been general commendation of General Wooten's fine work in

this activity, and this award, which is the second one of its kind which General Wooten has received, and one of the Army's highest noncombatant awards, was conferred upon him in recognition of this outstanding service.

Early this year General Wooten received the highest honor conferred by the holy father, the Benemerenti medal.

These awards were not only richly merited but they indicate the wide fields in which General Wooten has served and contributed with such great distinction. It is most reassuring for us to know that we have contemporary leaders in our Armed Forces who are rendering such conspicuous service to the Nation.

AUGUST 14, 1957.

Brig. Gen. SIDNEY C. WOOTEN,
Commanding, United States Army Garrison, Fort Devens, Mass.

DEAR GENERAL WOOTEN: Heartiest congratulations to you and your family upon the well-merited award to you of your second Legion of Merit, one of the Army's very highest awards.

I was very much pleased to learn that your outstanding service at Camp Kilmer was appropriately recognized since it is truly a monument of achievement and will long be remembered by the Nation.

With best wishes to you and yours, I am,
Sincerely yours,

PHILIP J. PHILBIN.

ARMY HONORS DEVENS CHIEF

AYER.—Brig. Gen. Sidney C. Wooten, the new commander of Fort Devens, today was awarded his second Legion of Merit, the Army's second highest noncombatant award. He was honored for his work as commander of the refugee reception center at Camp Kilmer, N. J., last winter. The center processed 32,000 refugees from the Hungarian revolt. The Legion of Merit is the general's second honor for work at Camp Kilmer. He received the Vatican's highest honor, the Benemerenti medal, earlier this year.

ASSISTANCE TO TEXTILE INDUSTRY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include a copy of a bill (S. 14), which passed the Senate by a voice vote on yesterday.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, on yesterday a bill (S. 14) offered by Senator MARGARET CHASE SMITH to assist the United States textile industry in regaining its equitable share of the world market, was passed by the Senate. The textile manufacturers of the South as well as the North, I am told, were anxious to have this bill passed. It is a very necessary thing if we are going to maintain our textile industry in the United States.

This bill would provide that our textile industry could compete in the world market in price and could continue manufacture in this country. There is interest all over the country in this bill and I only hope that some way may be found so that a bill may be reported hastily out of the Committee on Agriculture and pass the House. It has wide endorsement of many groups, I hear.

Mr. JONES of Missouri. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Did the gentlewoman inform us about cotton producers being interested in that bill?

Mrs. ROGERS of Massachusetts. I understood they were.

Mr. JONES of Missouri. I think the gentlewoman is mistaken.

Mrs. ROGERS of Massachusetts. It came out of the Committee on Agriculture of the Senate.

Mr. JONES of Missouri. It came out under rather unusual circumstances and it passed the other body under rather unusual circumstances.

Mrs. ROGERS of Massachusetts. I did not know that. I knew there was great interest in it and I think it will help the terribly distressed textile industry which must receive help if it is to survive.

A bill to assist the United States cotton textile industry in regaining its equitable share of the world market

Be it enacted, etc., That it is the purpose of this Act to assist the United States cotton textile industry to reestablish and maintain its fair historical share of the world market in cotton textiles so as to (1) insure the continued existence of such industry, (2) prevent unemployment in such industry, and (3) allow employees in such industry to participate in the high national level of earnings.

SEC. 2. (a) In order to carry out the purpose of this Act the Secretary of Agriculture is authorized and directed to make available to textile mills in the United States during the fiscal year ending June 30, 1958, and each of the four succeeding fiscal years not less than 750,000 bales of surplus cotton owned by the Commodity Credit Corporation at such prices as the Secretary determines will allow the United States cotton textile industry to regain the level of exports of cotton products maintained by it during the period 1947 through 1952. Cotton shall be made available to a textile mill under this Act only upon agreement by such mill that such cotton will be used only for the manufacture of cotton products for export.

(b) The Secretary shall announce, not later than September 1 of each year for which surplus cotton is made available under this Act, the price at which such cotton is to be made available and thereafter for a period of thirty days shall accept applications from textile mills for the purchase of such surplus cotton. In the event the quantity of cotton for which application is made exceeds the quantity of such cotton made available for distribution under this Act, the cotton made available for distribution shall be distributed pro rata among the mills making application therefor on the basis of the quantities of cotton processed by such mills during the three calendar years preceding the year for which such distribution is made.

SEC. 3. The Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 4. Any person who knowingly sells or offers for sale in the United States any product processed or manufactured in whole or substantial part from any cotton made available under this Act shall be punished by a fine of not more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

A FAST, MODERN PASSENGER LINER FOR THE TRANSPACIFIC TRADE

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, I have today introduced a bill to provide for the construction of a fast, modern passenger liner for the trans-Pacific trade. This bill would authorize the construction by the United States and the sale in accordance with existing provisions of the law to American President Lines of a 26-knot 1,400-passenger ship which would be the largest and fastest passenger ship ever to sail on the Pacific Ocean.

The highly publicized speed competition on the Atlantic Ocean has for many decades resulted in great public attention being paid to the desirability of providing outstanding passenger ships for the North Atlantic run. However from the standpoints of national prestige, availability for naval and military auxiliary service and maintenance of America's competitive position in foreign commerce, the introduction of fast, modern passenger ships on the Pacific run is equally important.

At the present time, the American-flag passenger ships serving the Pacific number but 10, have a total capacity for less than 5,000 passengers, average 20½ knots or less in speed and average 15 years of age. Such a fleet is inadequate from standpoints of national defense and of adequate support for our domestic and foreign commerce.

The American President Lines, which has the Government contract to operate the trans-Pacific passenger service, is required under the terms of its agreement with the Government to provide a replacement vessel for one of its three passenger ships during the year 1958. That ship should be the finest and best which can be provided for the Pacific run. The bill which I have introduced today follows strictly the national policy and the legislative machinery adopted by this Congress in the Merchant Marine Act of 1936, as amended by this Congress from time to time. The construction of a passenger ship at this time for the trans-Pacific trade will provide a great and valuable asset for the United States in the implementation of a merchant marine policy which has proven sound in both peace and war.

BRIEF STORY OF THE HOUSE OF REPRESENTATIVES AND RELATED EVENTS SINCE 1857

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I have here some pictures that have to do with the history of the United States Congress. The reason I have asked for this time is because this year is the 100th

anniversary of our meeting in this Chamber in the Capitol. The pictures I have here show the different places where the Congress met in Washington, D. C., as well as the various buildings it met in.

I also have pictures of the two House Chambers well known to us. One is a picture of what is now known as Statuary Hall, taken at the time Abraham Lincoln was a Member of Congress. Alexander Hamilton, Stevens, and John Quincy Adams also served here. I have a picture, that was taken soon after the Congress moved into this Chamber, which I shall leave on this table for any of the Members who may want to see it.

Mr. Speaker, it is a deep conviction of mine that we ought at every opportunity to give attention to the important lessons that history teaches us. This year is the 100th anniversary since the House of Representatives first met in this Chamber. This seems to afford us an excellent reason to pause and reflect again on the rich heritage that is ours as a nation. In doing this, we can draw on the experience of thousands of men and women who have served their people in this Chamber and had a part in making our country the great Nation we know it to be. Some of these people were great—more were near great. Even more were above average in ability of the people who served here. The vast majority, however, were average American citizens. All, however, in their way made some contribution that helped our Nation progress. Many made mistakes of a minor nature. Some succumbed to the perils of appeals to the baser passions of men; some because they lacked information and understanding made great mistakes. Some of these mistakes are still a part of our problem today. However, it must be noted that in spite of the great difficulties and the challenge that has come with every generation and period, somehow we have gained strength, made great progress, and grown in stature among the nations of the world until now all the freedom-loving people of the world look to us for inspiration, help, and encouragement. Our system has also made tremendous gains for our people until now we have in a material way, and many believe morally, the highest standard of any nation in the world. To attain this great goal, our people through the years had to have direction, help, and encouragement. A large part of this help came from Congress—a creature of the Constitution, the document that the eminent Blackstone referred to as "The most wonderful work." Our Congress of which this House, in many respects, is more important than the other House and recognized by many students of government as the greatest legislative and deliberative body in the history of mankind.

Therefore, after much reading and studying and with the help of the Library of Congress and the Architects Office, the Department of History and Archives, I have prepared a very brief statement to be placed in the RECORD for future reference, as a guide for further study for anyone who might want to explore and study this history in more detail. This, of course, is not in any sense a complete history of any phase of the Capitol or Congress and its meaning. Rather, I would have you accept this only as a brief and sketchy outline of history of the Capitol and Congress. In this presentation I try to point out the historical importance of our Capitol, what it has meant to our people and what it means to the peoples of the world, some references to the significant commemorations of the past, a brief outline of what it seems were the outstanding events that happened on Capitol Hill arranged in chronological order. Then touch very briefly on the growth, changes, and progress in our Nation in the last 100 years. Also, a part of this calls attention to some of the significant physical improvements of our Capitol Building in the last 100 years. Then, in closing, I try to summarize and call attention to the importance of referring often to the foundations of our country as exemplified by what our forefathers said and did and point out that here are many of the answers to the difficult problems of our time.

Mr. Speaker, historically, the Capitol at Washington is the most amazing, awe-inspiring, interesting, and important edifice in the United States. It is also the busiest Capitol in the world. Here we find 531 elected public officials doing more with the aid of limited but efficient staffs for their people than any other group of elected legislators on earth. In addition, they are trying with great effort, dedication, and ability to represent the wishes of their people honestly and sincerely in the legislative halls. Here, more than any place in the world, what is done in the Capitol is important to more people of a nation and the peoples of the world than anywhere else. All of this makes our Capitol the most meaningful symbol of hope for liberty and freedom in the world. This, along with what we know through history about our heritage, may explain, in part at least, why ours is the most visited Capitol in the world—millions come here from every nation in the world, to see, study, and be inspired by the American story of self-government.

The seat of our Government is most unusual, too, in that it resembles to a great extent both the beginning and the growth of the greatest Nation on earth. Its growth and its capacity to change while protecting individual liberties are among its greatest virtues.

Since the laying of the cornerstone of this Capitol by George Washington in 1793, many great and significant things have happened here. Events that have made a difference and helped our people to a better way of life. The reading and study of our heritage and history indicates that it has been a great influence toward a better way of life for the liberty-loving people of the world.

Besides the laying of the original cornerstone in 1793, several commemorative celebrations have been held that mark the beginning of expanded facilities or commemorating significant anniversaries of our Capitol. These include the laying of the cornerstone for the expansion of the Capitol in 1851 and the celebration of the 100th anniversary of the laying of the cornerstone in 1893.

December 16, of this year, 1957, will be another very significant date in the history of this magnificent Capitol, for then it will be just 100 years since the House of Representatives began meeting in this Chamber. In commemoration of this event, there is a most interesting exhibit on the ground floor of the Capitol showing the various aspects of the building as it first appeared in and after 1800; as it looked following the British vandalism of 1814, and as it was before and after the extensive changes of 1851–65.

Illustrations of the United States Capitol are so frequently used as a visual symbol of our National Government that it must seem to many Americans that the Capitol has been here forever, just as it is. However, if one could transport himself back a few years before the Civil War, for instance, one would not have seen the familiar tall dome on the Capitol. Instead, there was a relatively low wooden dome sheathed with copper, which resembled an upside-down custard bowl. The present dome, with the Statue of Freedom, was not completed until about 1865.

Nor would one have seen, somewhat over a hundred years ago, the present separate House and Senate wings with their connecting corridors. The House extension was not ready for occupancy until 1857, and the Senate wing was not used until 1859.

We invariably think of Washington, of course, as our Capital City. Probably not one person in a thousand, however, could name all the places in which Congress has met.

The Continental Congress met in eight different cities and towns, namely:

Philadelphia: September 5. 1774, to December 12, 1776.

Baltimore: December 20, 1776, to February 27, 1777.

Philadelphia: March 4 to September 18, 1777.

Lancaster, Pa.: September 27, 1777.

York, Pa.: September 30, 1777, to June 27, 1778.

Philadelphia: July 2, 1778, to June 21, 1783.

Princeton, N. J.: June 26, 1783, to November 4, 1783.

Annapolis, Md.: November 26, 1783, to June 3, 1784.

Trenton, N. J.: November 1784 to December 24, 1784.

New York City: January 11, 1785, to March 4, 1789.

CONGRESS UNDER THE CONSTITUTION—FIRST CONGRESS

New York City: First session, March 4, 1789, to September 29, 1789; second session, January 4, 1790, to August 12, 1790.

Philadelphia: Third session, December 6, 1790, to March 3, 1791.

Second Congress, third session to the Sixth Congress, second session, the meeting place was Philadelphia. Since November 1800 sessions have been held in Washington.

Nor is it likely that many people could identify all the places right here in Washington, D. C., where the House of Representatives has met since 1800: in

the north wing of the old Capitol; the so-called oven in the uncompleted south wing of the old Capitol; the old oval-shaped Chamber in the south wing which was burned in 1814; Blodgett's Hotel; the Old Brick Capitol on the present site of the Supreme Court; the semicircular Chamber in the south wing, built after the British attack of 1814, which is now Statuary Hall; the present Chamber, which was remodeled in 1950; and the caucus room in the New House Office Building.

The House first convened in the Federal Building in New York City on March 4, 1789. It met in Congress Hall in Philadelphia from December 6, 1790, to May 14, 1800.

Congress convened for the first time in what is now a portion of the present building immediately north of the rotunda, on November 22, 1800. The House was then located on the principal floor, on the west side of the old building. A plaque on the wall marks the place, which is now occupied by the Senate Disbursing Office. The first House Chamber in the Capitol no longer exists, however, because this part of the Capitol was burned by the British in 1814. Theodore Sedgwick, of Massachusetts, was then Speaker of the House. House membership at that time totaled 106.

This Chamber was so crowded that a brick structure was erected in the unfinished south wing in 1801. This room, referred to as the oven, was utilized until the permanent walls of the south wing were completed in 1804. The House once again moved to the north wing, on the west side of the principal floor; and it remained there until 1807, when the south wing was available for occupancy. At this time, a wooden passageway connected the two wings; there was no rotunda or dome.

In 1814, a British raiding party under the command of Admiral Cockburn fired the Capitol, destroying the Chambers. Congress subsequently met in two places while its home was being restored: Blodgett's Hotel on E Street, between Seventh and Eighth Streets NW., and a hastily constructed building known as the brick Capitol on the site of the present Supreme Court Building.

Blodgett's Hotel had previously been taken over by the Government and was in use as the United States Patent Office at the time of the British raid. The so-called Old Brick Capitol was erected by a group of private citizens anxious to forestall efforts of various Members of Congress to move the Capitol to another city or to Georgetown. It was rented to the Government during the period the Capitol was being rebuilt. Later it was used as a hotel and rooming house. During the Civil War it was used as a prison for southern sympathizers. Henry Wirz, the commandant of Andersonville Prison, was briefly incarcerated in this building after the war.

The House moved to its present Chamber on December 16, 1857. This room was 139 by 93 by 42½ feet as compared to the 61 by 48 by 36 feet of the Federal Building in New York City. The chamber of the House is three times as large as that of the British House of Commons. The present Chamber was redecorated in 1950 and during that period sessions were held in the Ways and Means Committee room in the New House Office Building.

Now how did the House come to be in its present quarters? On May 28, 1850, the Committee on Public Buildings recommended an extension of the Capitol. It was by this time evident that the building was now too small to house the expanding Congress and to accommodate the increasing number of visitors. A competition was held late in 1850 for the architectural plans for the extension, a $500 prize being provided the victor. One of the competitors was Thomas U. Walter, who split the prize money with three other individuals and was appointed Architect of the United States Capitol Extension by President Fillmore on June 10, 1851. In general, the present House and Senate wings follow a modified plan laid down by Walter. Charles F. Anderson, one of the contestants, also long claimed credit for some of the features which appeared in the final plans.

On July 4, 1851, the cornerstone of the Capitol extension was laid with elaborate ceremonies. President Fillmore and other officials, including Walter Lenox, mayor of Washington—the City of Washington then had a mayor—participated. B. B. French, grand master of the Masonic fraternity, made a short address, and Daniel Webster, then Secretary of State, delivered an oration.

Fifty-eight years have elapsed—

Declared French—

and, in that comparatively brief space in the ages of governments, we are called upon to assemble here and lay the cornerstone of an additional edifice, which shall hereafter tower up, resting firmly on the strong foundation this day planted, adding beauty and magnitude to the people's house and illustrating to the world the firm foundation in the people's hearts of the principles of freedom, and the rapid growth of those principles on this Western Continent.

Yes, my brethren, standing here, where, 58 years ago Washington stood, clothed in the same Masonic regalia that he then wore, using the identical gavel that he used, we have assisted in laying the foundation of a new Capitol of these United States this day, as Solomon of old laid the foundation of the temple of the living God.

Among the papers deposited in the cornerstone was one by Webster which, in part, read:

If * * * it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and this deposit brought to the eyes of men, be it then known, that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure forever.

God save the United States of America.

Webster's remarks are often quoted. Outlining the fundamentals of the American system of government, he imagines what Washington might have said, had he been present.

Ye men of this generation, I rejoice and thank God for being able to see that our labors and toils were not in vain. You are prosperous, you are happy, you are grateful; the fire of liberty burns brightly and steadily in your hearts, while duty and the law restrain it from bursting forth in wild and destructive conflagration.

Cherish liberty, as you love it; cherish its securities as you wish to preserve it. Maintain the Constitution which we labored so painfully to establish, and which has been to you such a source of inestimable blessings. Preserve the union of the States, cemented as it was by our prayers, our tears, and our blood. Be true to God, to your country, and to your duty. So shall the whole eastern world follow the morning sun to contemplate you as a nation; so shall all generations honor you, as they honor us; and so shall that Almighty Power which so graciously protected us, and which now protects you, shower its everlasting blessings upon you and your posterity.

Thus spoke one of America's greatest orators on this significant day.

Soon after this the Members of both the House and Senate complained that they were not being sufficiently consulted and requested what we in our day would call progress reports. Particular solicitude was expressed regarding the proper ventilation and the acoustical properties of the legislative halls. Acoustics was particularly important to the Members. In neither of the Houses' two previous Chambers, the oval Chamber burned by the British in 1814, or the semicircular Chamber built by Latrobe after the war with Britain, could a Member be heard distinctly. The decision to build it in an oblong shape eliminated the curved surfaces which had previously caused so much trouble.

A further object of interest to Members was the building stone used. The foundation stone, the House was informed, came from the Potomac River area, above Washington. A committee of experts ascertained that its average crushing strength was about 15,000 pounds per square inch. A special commission was appointed to select the marble for the exterior of the extensions. Marble from Lee, Mass., was selected, it being found that 22,702 pounds were required to crush a square inch.

Administratively, the older part of the Capitol was in charge of the Commissioner of Public Buildings and Grounds, William Easby, but the work of building the extension was originally directed by Walter, who was responsible to the Secretary of the Interior. Easby evidently felt chagrined at not having been placed in charge of the extension and helped encourage charges that the Government was being defrauded. Easby's complaints evidently had their effect, for the President, Franklin Pierce, transferred the superintendence of the building in 1853, upon assuming office, to the War Department.

Secretary of War Jefferson Davis detailed Capt. Montgomery C. Meigs to

take charge of the construction work. Meigs contributed several suggestions. It was he, for instance, who proposed that the House and Senate Chambers should be located in the center of their respective wings, as they are today.

Wide corridors were planned around the two Chambers, and large stairways were provided, in contrast with the narrow hallways and difficult staircases of the old building. By late 1855, about half of the columns and pilasters of the grand corridor of the House wing were in place, and one of the grand stairways commenced; the brick vaulting for the floors was leveled up for tiling; the roof trusses were completed and a number of them erected. A year later, the principal corridor in the House wing and the iron ceiling over the Chamber were completed.

Meantime, of course, work was also going on at the Senate end of the Capitol and also on the western side of the old building, which had been damaged by fire in 1851. This latter area was then occupied by the Library of Congress. It was in this fire that many of the books sold to the Government by Thomas Jefferson in 1815 for use in the Congressional Library were burned.

Plans were also being made for a new dome. When the original copper-covered wooden dome had been placed on the building, Congress and President Monroe's Cabinet had demanded a tall and distinctive dome. Now that the building was being extended, it was felt that a larger dome was needed.

Meanwhile, Walter, the Architect, and Meigs, the Army engineer, commenced bickering over their respective rights and prerogatives. Walter insisted that Meigs was attempting to supplant him as Architect. After much dispute, during the course of which Meigs was eventually overruled and appealed over the heads of his superiors to the President, Secretary of War John B. Floyd finally banished Meigs to the Tortugas, where he was put to work building fortifications. This, however, was in 1859, after the completion of most of the work on the Capitol.

Meigs was later Quartermaster General of the Union Army during the Civil War. Both Walter and Meigs have left their mark on our Capital City. Meigs later supervised plans for the National Museum and became the architect of the Pension Office building, and Walter remodeled the exterior of the Treasury and designed St. Elizabeths Hospital and the interior of the State, War, and Navy Building. He was not responsible for the "gingerbread" on the exterior of the latter, which was added later. Walter also proposed a center extension of the Capitol in order to give the large dome, which he designed, a better proportioned base. This latter proposal is still being discussed, a special Commission having been established in 1956 to study the question.

By November 1857, it was reported that the House Chamber was ready for occupancy. However, when the 35th Congress met on December 7, they were still in the old Chamber.

The House—

States Glenn Brown in his history of the Capitol—

at first questioned the propriety of meeting in the Chamber, as they feared ill effects from the dampness of the walls, and a special committee was appointed to investigate the condition of the hall, and reported December 14 that the hall was dry and everything ready for occupancy. The hall was first used for divine worship, December 13, 1857, Rev. G. D. Cumming conducting the services. December 16, 1857, the 237 members of the House of Representatives took formal possession and held their first session in their new hall.

At 12 o'clock noon on December 16, Speaker James L. Orr called the first session of the House in its new Chamber to order. Prayer was offered by the Reverend Andrew G. Carothers, who asked:

May this Hall now dedicated by thy servants, the Representatives of the people, as the place wherein the political and constitutional rights of our countrymen shall ever be maintained and defended, be a temple of honor and glory to this land. Let the deliberations and decisions of this Congress advance the best interests of our Government, and make our Nation the praise of the world earth.

The first item of business was a bill by Representative Justin S. Morrill, of Vermont, donating public lands to the various States and Territories to provide colleges for the benefit of agriculture and the mechanic arts. The bill was referred to the Committee on Public Lands. Representative Morrill later became a Member of the Senate and his proposal eventually became the Morrill Act of 1862, establishing the present system of land-grant colleges.

After several other routine items, Representative Sherrard Clemens, of Virginia, obtained the floor and sponsored a successful motion to order the Clerk of the House to draw from a box, one at a time, the name of each Member to establish priorities in the choice of seats. Other questions discussed during the brief session were admission of Chaplains of the House and Senate to the Library of Congress, printing of the President's message and compensation of Members.

The new Hall of Representatives—

Declared Harper's Weekly, 100 years ago—

which has been the subject of so much discussion of late in the press, is in the center of the first story of the nex extension, south. It is a room 139 feet long, 93 wide, and 36 feet high. The Members' desks, which number 300 altogether, are arranged in a semicircle; the reporters have seats behind the Speaker, and spectators are accommodated in a large gallery running round the room, and capable, it is said, of seating 1,200 persons. The desks and chairs of Members have been got up regardless of expense. The former are of plain oak, with carvings on the back; the chairs are antique, high-backed affairs, covered with red morocco.

Two objections have been taken to this new Hall. The first is, that it has no communication with the free air of day. It has no windows. Light penetrates through a stained glass square in the ceilings over which, at night, gas burners are lit. The idea of the architect is, that they can ventilate the Hall by pumping fresh air in, and providing an escape for the impure atmosphere which has been breathed by Members. But this diving-bell arrangement does not meet with general approval. It is urged that until fresh air, pure from the vault of heaven can be got into the Hall without the intervention of pumps and tubes, cases of paralysis must occur very frequently among Members who are attentive to their duties.

The following is a description of the ventilation system as described by Harper's Weekly:

The hot air, having passed through a hot-water sieve, in order to absorb sufficient moisture, will be forced into the Hall from above by means of a steam-fan. Meanwhile the foul air will escape through apertures near the floor, and its place will be occupied by the fresh warm air from above.

Some critics have cavilled at the profuse and gaudy decorations of the new Hall.

Continued Harper's Weekly.

It will be perceived, on glancing at the picture on the preceding page, that the wall is laid out in panels—each panel being intended to receive a historical painting in fresco. The moldings are painted in the brightest colors; and the stained glass in the ceiling, on the same plan, represents, in panels, the arms of the various States of the Union. "The general effect," says one of the Washington correspondents, "is dazzling and meretricious; one is reminded of a fashionable saloon in a gay capital, rather than the place of meeting of national legislators * * * Time, however, will do much toward softening the defects which these critics deplore. A few years will wonderfully mellow the bright colors of the panels and molding; the gilding will wear away, and a solemn dun hue will gradually overspread the Chamber."

In the life of nations, a hundred years is a comparatively brief span. What was happening in our Nation 100 years ago when the House first sat in its present Chamber?

In the year 1857, James Buchanan was inaugurated President of the United States. Several days following his inauguration, Chief Justice Taney announced the Dred Scott decision, in which he declared the Missouri Compromise of 1820 unconstitutional and extended Federal protection to slaveholders in the Territories. It was a year of financial crisis and economic depression. By the end of the year, 4,932 businesses had failed in the United States, business failures continuing at about the same rate for 2 more years. It was the year of the Mountain Meadows massacre in which 120 emigrants bound for California were killed by a band of Indians aroused by a Mormon fanatic, John D. Lee. The slavery issue in 1857 was coming more and more to the fore. The abolitionist leader William Lloyd Garrison was denouncing the continued presence in the American Union of slaveholders, while calling for a dissolution of the Union. In October and November, the Lecompton Constitutional Convention met in Kansas and framed a proslavery constitution. President Buchanan in his annual message upheld the legality of the disputed convention's actions. On December 21, shortly after the House first met in the new Chamber, the Lecompton Constitution was adopted in Kansas Territory, the free-State men not voting.

During 1857, Hinton R. Helper's The Impending Crisis in the South appeared.

In the field of education, the Michigan State College of Agriculture was authorized by a legislative act in Michigan, and the Cooper Institute first opened. The first issue of the Atlantic Monthly, edited by James Russell Lowell, appeared. Abe Lincoln was practicing law in Springfield, Ill.

Among the prominent Members of the House at the time were Alexander H. Stephens, of Georgia, later Vice President of the Confederacy; Schuyler Colfax, of Indiana, later Vice President of the United States; Anson Burlingame, of Massachusetts; Henry L. Sawes, of Massachusetts; Owen Lovejoy, of Illinois, brother of the martyred Elijah P. Lovejoy; Nathaniel P. Banks, of Massachusetts, later a Civil War general; Lucius Q. C. Lamar, of Mississippi, later Secretary of the Interior under President Cleveland and an Associate Justice of the Supreme Court; Francis P. Blair, Jr., of Missouri; Daniel E. Sickles, of New York, who several years later shot and killed the son of Francis Scott Key; George H. Pendleton, Clement L. Vallandigham, and John Sherman, all of Ohio; and Joseph Lane, of the Territory of Oregon and later United States Senator.

Also in the House at the time were three members of an extraordinary family, Representatives Israel Washburn, Jr., of Maine; Cadwallader C. Washburn, of Wisconsin, and Elihu B. Washburne, of Illinois. It was Elihu Washburne who, in 1861, proposed that Ulysses S. Grant, his fellow townsman of Galena, Ill., be appointed brigadier general of volunteers and gave Grant the initial boost in his Civil War career.

Among the luminaries in the other Chamber were Sam Houston, of Texas; his son Andrew Jackson Houston served also as Senator from Texas in 1941; Robert Toombs, of Georgia; Stephen A. Douglas, of Illinois; James Harlan, of Iowa; Judah P. Benjamin, of Louisiana, later attorney general of the Confederacy; Charles Sumner, of Massachusetts; Jefferson Davis, of Mississippi; William H. Seward, of New York; Benjamin Wade, of Ohio; Simon Cameron, of Pennsylvania; Andrew Johnson, later to succeed to the Presidency, and Hannibal Hamlin, who later became Vice President in Lincoln's first term. Douglas' colleague from Illinois was Lyman Trumbull, who had in 1855 won out over a lawyer named Abraham Lincoln for the senatorship in the balloting in the Illinois Legislature.

John C. Breckinridge, of Kentucky, was at this time Vice President, and James L. Orr, of South Carolina, was Speaker of the House.

EVENTS ON CAPITOL HILL 1857 TO 1957

The story of what happened on Capitol Hill in the 100 years we have been in the House Chamber would take volumes to relate, even if we tried to deal with it in a very brief and concise manner. This obviously makes it impossible to insert this story in any detail in the RECORD, but having studied this era in some detail, it occurred to me that it might be of interest to list the events that appear to me to be among the most important happenings on the Hill in that period. Some students will disagree with some of my listings and notations as being important. Others will no doubt point out that some important events have been omitted. In answer to each proposition, let me state that with further study I might agree with each of these assumptions, but I am sure all will agree that a good part of the following list would be among the most important events on Capitol Hill in the last 100 years, and I humbly submit this list, herewith, for whatever benefit it may be to a further study of this period of history.

It should be pointed out that each event has been listed because it was important at the time it happened, or the fact that it did happen made the event important later. In each case, in my opinion, these actions made a difference in the destiny of our country.

It will be noted that the events of the Civil War have been ignored. This is because, in my opinion, this era of history has not been neglected and because of its importance, it should be treated separately.

To those who are better students of this period than I have had time to be and who want in any way to amend this list, I will yield. The following is my list of important happenings of the last 100 years:

Army bakery established in United States Capitol, 1861.

Establishment of Joint Committee on the Conduct of the War, Senator Wade, chairman, December 1861.

Former House Chamber dedicated as a National Statuary Hall 1864.

House Appropriations Committee assumed authority over appropriations measures, formerly held by Ways and Means Committee, 1796–1865; Banking and Currency Committee also established as offshoot of Ways and Means Committee, 1865.

Appointment of Joint Committee on Reconstruction, beginning of period of Congressional reconstruction, December 1865.

Radicals won Congressional election of 1866, November 1866.

First attempt to impeach Johnson failed in House, December 1867.

Impeachment of Johnson by House, February 1868.

President Johnson acquitted by Senate, sitting as court to try him on House impeachment charges, May 1868.

Congressional investigation of New York election frauds, 1869.

Congressional investigation of New York Customs House frauds, 1872.

House committee under Representative Luke P. Poland investigated Credit Mobilier affair, recommended expulsion of Representatives Oakes Ames and James Brooks; House formally condemned conduct of Ames and Brooks, 1873.

King David Kalakaua, of Hawaii, addressed joint session, December 1874.

Select committee of House investigated whisky frauds, 1876.

Contested presidential election, Hayes versus Tilden; appointment of joint House-Senate-Supreme Court Electoral Commission; Justice Joseph P. Bradley cast deciding vote for Hayes, 1876.

James G. Blaine read from Mulligan letters on House floor, defending himself against using official position as Speaker of House to promote the fortunes of a railroad company, June 1876.

Death of Constantino Brumidi, painter of some of friezes in Capitol rotunda, many other Capitol paintings, 1880.

Charles S. Parnell, Irish political leader, addressed House, February 1880.

House investigation of charges brought in suit by rival claimants to annul Bell telephone patents, 1886. After the most prolonged and important litigation in the history of American patent law, including about 600 cases, the United States Supreme Court upheld all of Bell's claims.

Representative Daniel W. Voorhees sponsored bills to build new quarters for Library of Congress, 1886–89.

Senator Cullom launched investigation of railroads, made Interstate Commerce Committee important body; direct result was Interstate Commerce Act of 1887.

Nadir of the Presidency as political office. James Bryce declared in the American Commonwealth that a Presidential recommendation to Congress received no more consideration than an article in a prominent party newspaper, 1888.

Congressional investigation of transportation and sale of meat products, forerunner of pure food and drug legislation, 1889.

Speaker Reed's rules adopted by House; substituted a present for a voting quorum, reduced size of Committee of the Whole, increased power of Speaker, who became known as czar, February 1890.

President Cleveland secretly operated on for cancer in yacht cruising up East River; had Cleveland died, Vice President Adlai Stevenson, who differed from Cleveland on currency question, would have become President, 1893.

Income tax rider on Gorman-Wilson Tariff Act.

Jacob Coxey, leader of Coxey's army, advocate of public works program for unemployed, tried to speak from Capitol steps, jailed for walking on the Capitol grass, May 1894.

Library of Congress moved out of Capitol to new quarters, in present main building, 1897. Herbert Putnam, Librarian of Congress, 1899–1939; Librarian emeritus by special act of Congress, 1939–55.

Congress directed President McKinley to intervene in Cuba and bring about Cuban independence; Spanish-American War began, April 1898.

Senator Tillman and Senator McLaurin engaged in personal altercation on Senate floor; Senate motion of censure considered; President Roosevelt withdrew Tillman invitation to White House, 1902.

Cornerstone of Senate Office Building laid after senatorial offices at New Jersey and B NW., were condemned as a firetrap, 1906.

Old House Office Building completed, 1908.

National Monetary Commission appointed—joint committee of House and Senate—to recommend changes in monetary system and banking and currency laws, 1908.

"Uncle Joe" Cannon's authority as Speaker reduced; Rules Committee enlarged; Speaker denied membership on Rules Committee, henceforth elected by House, 1910.

Congressional joint committee investigated Interior Department and Forest Service—Ballinger-Pinchot controversy, 1910.

Pujo money trust investigation in House; subcommittee headed by Representative Arsene Pujo; counsel, Samuel Untermyer, 1912–13.

Arizona and New Mexico admitted to Union; CARL HAYDEN first elected to Congress, 1912.

House investigation of Taylor industrial speedup system, 1912.

Senate investigation, *Titanic* catastrophe, 1912.

Clapp campaign fund investigation of United States Senate investigated presidential campaign funds, 1912.

Senate declined to unseat Isaac Stephenson, Senator from Wisconsin, March 1912.

Senator La Follette demanded reopening of investigation of election by Illinois Legislature of William Lorimer to United States Senate, May 1912. Lorimer subsequently unseated; resultant publicity led to enactment of 17th amendment, providing for direct election of Senators, 1913.

Vice President Thomas R. Marshall reportedly remarked, "What this country needs is a really good 5-cent cigar," in Senate lobby, during speech by Senator Bristow, of Kansas, on needs of the country. Reported and popularized in syndicated Washington column by Fred C. Kelly, later author of Miracle at Kitty Hawk, now living in Kensington, Md., 1913.

Wilson broke precedent established by Jefferson, appeared in person before Congress to deliver first annual message, April 1913.

Federal Reserve Act, December 1913. Decentralized banking system established on basis of investigations of National Monetary Commission and Pujo Committee.

Congressional investigation of ship purchase bill lobby, 1915.

Federal-Aid Road Act, 1916. Established fund-sharing principle, basis of the so-called new federalism aspect of American governmental practice.

Sixty-fourth Congress ended in Senate filibuster against President Wilson's armed ships bill, March 1917.

Jeannette Rankin, first woman elected to Congress, took seat, March 1917.

Wilson's war message to Congress, April 1917.

Marshal Joffre addressed House and Senate, May 1917.

Marconi, inventor of wireless, addressed House, June 1917.

Secretary of War Baker drew first draft number from glass globe in room 224C, Senate Office Building, July 1917.

Viscount Ishii, of Japan, addressed Senate and House, August and September 1917.

President Wilson appealed for Democratic Congress; Republicans won Congressional elections, 1918.

Publication of A Synopsis of the Procedure of the House, by CLARENCE CANNON, 1918.

House investigation of a National Security League, 1918–19.

House denied Representative Victor L. Berger, Socialist, right to seat; sentenced by Judge Kenesaw M. Landis to 20 years in prison for opposing United States participation in World War I, 1919.

Sixty-fifth Congress ended in La Follette filibuster against coal and oil bill; Franklin D. Roosevelt and Josephus Daniels at Capitol anxiously following filibuster, which prevented passage of bill allowing private exploitation of naval oil reserves, 1919.

House and Senate committees investigated United States budgetary practices, 1919–20.

Publication of Procedure in the House of Representatives by CLARENCE CANNON, 1920.

Victor L. Berger reelected to Congress, 1920. Congress again declared seat vacant.

President Harding broke precedent by appearing before Senate on inauguration day, presenting his Cabinet for immediate confirmation; Senator La Follette's plan to organize opposition to appointment of Albert B. Fall as Secretary of the Interior thwarted, March 1921.

Budget and Accounting Act, advocated by Republican Party in 1920 election, authorized President to prepare and submit annual budget to Congress; created office of Comptroller General, General Accounting Office as adjuncts of Congressional branch of Government, 1921.

Charles G. Dawes, first Director of Budget, 1921.

House committee investigated escape of Grover Cleveland Bergdoll, World War I draft dodger, from Governors Island, N. Y., 1929.

Conviction of Representative Victor Berger reversed by United States Supreme Court, 1921.

Senator La Follette introduced resolution in Senate calling for Teapot Dome investigation, April 1922.

Mrs. Rebecca L. Felton, appointed to fill Senate seat of Thomas E. Watson, of Georgia, attended two sessions; first woman Senator, November 1922.

Congressional investigation of Veterans Bureau, 1923.

Representative Victor L. Berger seated in House as Member from Wisconsin, serving in 68th, 69th, and 70th Congresses, 1923–29.

Vice President Dawes stole inaugural spotlight by delivering unprecedented inaugural harangue to Senate against senatorial filibusters, March 1925.

Charles Warren, appointed by President Coolidge to be Attorney General, rejected by United State Senate; Vice President Dawes, absent from Capitol, failed to return in time to break vote, to annoyance of President Coolidge, 1925.

Senator Hiram Bingham censured for bringing lobbyist into executive session of Senate committee considering Smoot-Hawley Tariff, 1929.

Prime Minister Ramsay MacDonald of England addressed United States Senate, October 1929.

House Special Committee on Communist Activities in United States—Fish committee—appointed, 1930.

Democrats won control of 72d Congress; John N. Garner, Speaker, 1930–31.

Mrs. Hattie Carraway, first woman Senator elected to a full term—appointed, 1931, elected 1932, 1938.

New House Office Building completed, 1933.

Senator Huey Long shot by assassin, 1935.

House investigation of Townsend old-age pension plan, 1936.

Failure of Roosevelt court-packing plan, 1937.

President Roosevelt's attempted purge of Congressional opponents unsuccessful, 1938.

House Special Committee on Un-American Activities—Dies committee—established, 1938.

Poet and presidential speech writer, Archibald MacLeish, appointed Librarian of Congress, 1939.

President Roosevelt delivered war message to Congress, December 1941.

Queen Wilhelmina of Holland addressed joint session, August 1942.

Mme. Chiang Kai-shek addressed Senate and House, February 1943.

Winston Churchill addressed joint session, December 1949. Other appearances, May 1943 and January 1952.

Mrs. Hattie Carraway, first woman to preside over United States Senate, October 1943.

House investigation of governmental seizure of Montgomery Ward & Co., 1944.

Gen. Dwight D. Eisenhower addressed joint session following return from European theater, June 1945.

Prime Minister Clement R. Attlee of Great Britain addressed joint session, March 1947.

Gen. Jonathan M. Wainwright addressed House and Senate, September 1945.

President Truman delivered message on Greek-Turkish crisis to joint session, March 1947.

Under new Presidential Succession Act, Speaker of House and President pro tempore of Senate next in line of succession to Presidency following President and Vice President, July 1947.

Jawaharlal Nehru, Prime Minister of India, addressed Senate and House, October 1949.

Senator McCarthy in Senate speech, listed 81 alleged Communists in State Department, leading to Tydings investigation, February 1950.

Gen. Dwight D. Eisenhower addressed Members of House and Senate on NATO, informal joint session at Library of Congress, February 1951.

Gen. Douglas MacArthur addressed joint session, April 1951.

Representative ALVIN BENTLEY, four others, wounded on House floor by Puerto Rican terrorists in gallery, March 1954.

McCarthy hearings—Senate Subcommittee on Permanent Investigations investigated charges brought by Secretary of the Army Stevens against Senator McCarthy—April–June 1954.

Select Committee To Study Censure Charges Against Senator McCarthy appointed by Vice President NIXON, August 1954.

Senator McCarthy censured by United States Senate, December 1954.

EVENTS AND HAPPENINGS OUTSIDE THE CONGRESS, 1857 TO 1957

A study of what happened in our country as the result of, or in spite of what happened on the Hill is a story of great moment. But here, as in the discussion of what happened on the Hill, a presentation of any phase, even though done briefly and if I could do it properly, would take up more time and space than could be allowed for the RECORD, so with apologies to those who are better students of this era than I am, I present this list in the hope that it may add to the interest and study of our history. Here, as in the brief list of events on the Hill, I am willing to accept any amendment to add to, or take from, any part of this list.

It seems to me that a study of this period is most valuable in that it indicates among other things our struggle for survival, how our freedom promoted expansion and growth, how education and discussion of public affairs focused attention on our shortcomings, which resulted in many improvements, how depression and economic conditions forced us to have a concern for our fellowman and his economic welfare, and how exposing through a free press of abuses of opportunity and privileges lead to legislation to correct evils. It indicates, also, how freedom of expression to the various avenues caused the moral integrity of our basic fiber to demand that right should win and therefore a better political atmosphere.

Here, then, is this list:

Eighteen hundred and fifty-seven: Dred Scott decision: Missouri Compromise of 1820 declared unconstitutional.

Eighteen hundred and fifty-nine: John Brown's raid on Harpers Ferry; his purpose, to incite a slave revolt. First petroleum well opened in Titusville, Pa.

Eighteen hundred and sixty: Election of Abraham Lincoln and secession of South Carolina. First pony express service started between St. Joseph, Mo., and Sacramento, Calif.

Eighteen hundred and sixty-one: Secession of other Southern States and start of Civil War.

Eighteen hundred and sixty-two: McClellan's Peninsular campaign; Grant in Kentucky; battles of Shiloh, Antietam, and Fredericksburg.

Eighteen hundred and sixty-three: Emancipation proclamation. Battles of Chancellorsville, Gettysburg, Vicksburg, and Chickamauga. Lincoln's Gettysburg address.

Eighteen hundred and sixty-four: Grant in the Battle of the Wilderness; Sherman's march to the sea.

Eighteen hundred and sixty-five: Grant took Richmond; Confederate surrender at Appomattox. Assassination of Lincoln. Thirteenth amendment, abolishing slavery, adopted.

Eighteen hundred and sixty-six: Formation of Ku Klux Klan. Start of Congressional reconstruction.

Eighteen hundred and sixty-seven: Alaska purchase.

Eighteen hundred and sixty-eight: Impeachment and acquittal of President Andrew Johnson.

Eighteen hundred and sixty-nine: Black Friday, financial panic caused by gold corner. Junction of Central Pacific and Union Pacific at Ogden, Utah, completion of first transcontinental railroad. Woman's suffrage law passed in Wyoming territory.

Eighteen hundred and seventy-one: Settlement of Alabama claims against Great Britain. Henry M. Stanley, a naturalized American citizen, found the lost David Livingstone, a Scottish missionary, in central Africa. Chicago fire.

Eighteen hundred and seventy-four: Tweed scandals, New York City.

Eighteen hundred and seventy-six: Contest presidential election; Hayes declared elected by special electoral commission. Centennial exhibition, Philadelphia.

Eighteen hundred and seventy-seven: Terroristic "Molly Maguires" hanged in Pennsylvania coal region.

Eighteen hundred and seventy-eight: First commercial telephone exchange opened, New Haven, Conn.

Eighteen hundred and seventy-nine: F. W. Woolworth opened his first 5-and-10-cent store, Utica, N. Y.

Eighteen hundred and eighty-one: Assassination of President Garfield.

Eighteen hundred and eighty-three: Opening of Brooklyn Bridge; 12 people trampled to death.

Eighteen hundred and eighty-four: Financial crisis, New York.

Eighteen hundred and eighty-five: First electric street railway in United States opened in Baltimore.

Eighteen hundred and eighty-six: Seven police killed by bomb at Haymarket Square in Chicago during strike for 8-hour day. Geronimo, Apache Indian chief, surrendered to United States troops.

Eighteen hundred and eighty-seven: Statue of Liberty on Bedloes Island, now Liberty Island, N. Y., unveiled.

Eighteen hundred and eighty-nine: Johnstown flood; 2,200 lives lost.

Eighteen hundred and ninety: First electrocution for murder in New York State. Ellis Island opened as immigration depot.

Eighteen hundred and ninety-two: First American gasoline buggy demonstrated by Charles E. Duryea. Homestead steel strike; 18 died.

Eighteen hundred and ninety-three: World's Fair opened in Chicago.

Eighteen hundred and ninety-four: Depression; Coxey's army marched on Capitol to demand Federal work-relief program. Pullman strike. First public showing of Thomas A. Edison's kinetoscope, New York.

Eighteen hundred and ninety-five: Beginning of Cuban revolution.

Eighteen hundred and ninety-six: Intervention of United States in Venezuela boundary dispute with Great Britain.

Eighteen hundred and ninety-eight: Spanish-American War.

Eighteen hundred and ninety-nine: First Hague conference. Filipino insurrection.

Nineteen hundred: Prohibitionist Carrie Nation began destroying saloons with hatchet. Galveston hurricane and flood. Walter Reed began campaign to wipe out yellow fever.

Nineteen hundred and one: President McKinley assassinated. Commander Scott explored King Edward Land, Antarctica.

Nineteen hundred and two: Pennsylvania coal strike settled by President Roosevelt. End of American occupation of Cuba.

Nineteen hundred and three: First successful automobile trip across United States made by Dr. H. Nelson Jackson and Sewall K. Crocker. Panama revolution; President Roosevelt recognized Panama, signed agreement to build Panama Canal. First successful flight made by Wright brothers, Kitty Hawk, N. C.

Nineteen hundred and four: Louisiana Purchase Exposition, St. Louis. New York subway opened.

Nineteen hundred and five: Lewis and Clark Centennial Exposition, Portland, Oreg.

Nineteen hundred and six: San Francisco earthquake.

Nineteen hundred and seven: Jamestown, Va., Exposition opened.

Nineteen hundred and eight: Financial panic.

Nineteen hundred and nine: Adm. Robert E. Peary reached North Pole on sixth attempt. Hudson-Fulton Exposition, New York. Alaska-Yukon-Pacific Exposition, Seattle.

Nineteen hundred and ten: Dynamiting of Los Angeles Times. Boy Scouts of America formed.

Nineteen hundred and eleven: Triangle shirt waist factory fire, New York City; 145 killed. First transcontinental airplane flight by C. P. Rodgers, New York to Pasadena.

Nineteen hundred and twelve: Capt. R. F. Scott reached South Pole; died in tent during blizzard. Sinking of *Titanic;* 1,517 died.

Nineteen hundred and thirteen: Girl Scouts of America founded.

Nineteen hundred and fourteen: Panama Canal opened. United States Marines at Vera Cruz. Sinking of *Lusitania* by German submarine.

Nineteen hundred and fifteen: Panama Pacific International Exposition, San Francisco. Panama-California Exposition, San Diego. Galveston hurricane.

Nineteen hundred and sixteen: Preparedness Day bombing, San Francisco; Black Tom explosion at munitions docks, Jersey City, traced to German saboteurs.

Nineteen hundred and seventeen: Germany resumed unrestricted submarine warfare; United States entered World War I; Wilson signed Draft Act.

Nineteen hundred and eighteen: President Wilson's Fourteen Points made in speech before Congress; battles of St. Mihiel, Meuse-Argonne, St. Etienne.

Nineteen hundred and nineteen: German surrender; Versailles peace conference; Versailles Treaty, with United

States participation in League of Nations rejected by United States Senate. Steel and coal strikes.

Nineteen hundred and twenty: Sacco-Vanzetti case. Prohibition and woman suffrage amendments went into effect. Wall Street bomb explosion.

Nineteen hundred and twenty-one: Peace declared with Germany by joint resolution of Congress. Washington Arms Conference.

Nineteen hundred and twenty-two: Herrin, Ill., coal strike; 26 killed.

Nineteen hundred and twenty-three: First sound-on-film talking pictures shown by Lee De Forest.

Nineteen hundred and twenty-four: Dawes reparations plan announced. Evacuation of Ruhr.

Nineteen hundred and twenty-five: Scopes evolution trial, Tennessee; John T. Scopes found guilty of having taught evolution in Dayton, Tenn., high school; fined $100. Nine power treaty on arms limitation signed.

Nineteen hundred and twenty-six: Sesquicentennial Exposition, Philadelphia.

Nineteen hundred and twenty-seven: United States Marines in Nicaragua; 1,000 Marines in China during Chinese Civil War. Lindbergh flew Atlantic. First commercial talking picture, The Jazz Singer, shown.

Nineteen hundred and twenty-eight: Dirigible *Graf Zeppelin* flew with crew of 38 and 20 passengers, Lakehurst, N. J., to Friedrichshafen, Germany.

Nineteen hundred and twenty-nine: Kellogg-Briand antiwar pact. *Graf Zeppelin* flew around world. Albert B. Fall, former Secretary of Interior, convicted of taking bribe. Stock market crash, start of depression. Richard E. Byrd at South Pole.

Nineteen hundred and thirty: London Naval Conference.

Nineteen hundred and thirty-two: Kidnaping of Charles A. Lindbergh, Jr. Resignation of Mayor James J. Walker, New York. Franklin D. Roosevelt elected President.

Nineteen hundred and thirty-three: Bank holiday; New York Stock Exchange closed; abrogation of gold payment clause in public and private obligations. National Industrial Recovery Act passed; AAA established. Soviet Union recognized by United States Government. Chicago Century of Progress Exposition.

Nineteen hundred and thirty-four: John Dillinger, Hoosier desperado, captured, escaped, and shot attempting to evade recapture. Philippines Independence Act passed; Philippines to be free after 1945.

Nineteen hundred and thirty-five: Social Security Act. NRA declared unconstitutional.

Nineteen hundred and thirty-six: Supreme Court declared AAA unconstitutional.

Nineteen hundred and thirty-seven: Unsuccessful attempt of President Roosevelt to pack Supreme Court. Japanese bombed U. S. S. *Panay* in Yangtze River. Dirigible *Hindenberg* exploded, Lakehurst, N. J.; 36 died. Supreme Court ruled that Government had no right to divulge intercepted telephone messages.

Nineteen hundred and thirty-eight: "Wrong-Way" Corrigan flew Atlantic.

Nineteen hundred and thirty-nine: Golden Gate International Exposition, San Francisco. New York World's Fair. Townsend old-age pension bill defeated. Beginning of World War II.

Nineteen hundred and forty: Franklin D. Roosevelt elected to unprecedented third term.

Nineteen hundred and forty-one: President declared national emergency—United States in official state of emergency, 1941 to date. United States Marines in Iceland; United States and Britain preparing to occupy Azores when Hitler invaded Russia. Captive coal mine strike. Japanese attack on Pearl Harbor, United States in World War II. Lend-lease aid pledged Russia.

Nineteen hundred and forty-two: Georgia peonage law declared unconstitutional. First nuclear chain-reaction explosion at University of Chicago.

Nineteen hundred and forty-three: United States took over coalfields in coal strike. Pay-as-you-go income tax bill passed. Race riots, Detroit and Harlem.

Nineteen hundred and forty-four: Supreme Court upheld right of Negroes to vote in State primaries. Ringling Brothers Circus fire, Hartford, Conn.; 107 killed. President Roosevelt reelected for fourth term.

Nineteen hundred and forty-five: German surrender; atomic bombs dropped on Hiroshima and Nagasaki; Japanese surrender. Death of President Roosevelt. Formation of United Nations Organization. Establishment of World Bank.

Nineteen hundred and forty-six: First U. N. Assembly, London. United States Army Signal Corps reported a radar beam had reached the moon. German and Japanese war criminals executed. Bikini bomb tests. Russian demand on Turkey for share in control of Dardanelles. American airmen shot down over Yugoslavia. End of wartime price controls. Mine workers union fined $3,500,000 by Judge T. Alan Goldsborough for contempt of court; Supreme Court reduced fine to $700,000, on condition it cancel strike notice; Government seizure of coal mines.

Nineteen hundred and forty-seven: Truman doctrine of aid to Greece and Turkey announced. Secretary of State George Marshall announced Marshall plan of economic aid to Europe. Centralia mine disaster; John L. Lewis ordered 6-day shutdown of soft coal mines as protest against unsafe mining. Taft-Hartley Act passed. Unification of Armed Forces.

Nineteen hundred and forty-eight: United Mine Workers strike; union fined $1,400,000 for contempt of court. Berlin blockade and airlift. Peacetime selective service established. Hiss case.

Nineteen hundred and forty-nine: Hiss acquitted in first perjury trial. Japanese war leaders hanged. NATO pact signed. Chinese Communists gained control of most of China; Nationalist Government established on Formosa. Conviction of 11 Communist leaders under Smith Act.

Nineteen hundred and fifty: Hiss convicted of perjury in second trial. President Truman ordered United States Army to seize railroads in threatened general strike. Puerto Rican terrorists attempted to kill President Truman. Beginning of Korean war.

Nineteen hundred and fifty-one: MacArthur fired as Korean commander; appeared before Congress. Rosenberg case.

Nineteen hundred and fifty-two: Election of President Eisenhower. Explosion of first hydrogen bomb.

Nineteen hundred and fifty-three: End of Korean war.

Nineteen hundred and fifty-four: United States participation authorized in construction of St. Lawrence Waterway. Supreme Court declared segregated schools violated 14th amendment guaranties.

Nineteen hundred and fifty-five: Geneva Conference: President Eisenhower called for disarmament, aerial inspection plan. Eisenhower heart attack.

Nineteen hundred and fifty-six: Proposal for abolition of electoral college rejected by Congress. Middle Eastern crises; United States denounced British-French invasion of Egypt. Unprecedented prosperity in United States.

Nineteen hundred and fifty-seven: First civil-rights bill since Reconstruction Era got through Congress without filibuster.

A FEW OF THE CHANGES AND IMPROVEMENTS IN THE CAPITOL AND THE HOUSE IN THE PAST 100 YEARS

The Capitol is unique in that it both typifies the beginning and also marks the growth of the Nation—

Declares Charles Moore in his introduction to Glenn Brown's History of the United States Capitol.

Like the great Gothic cathedrals of Europe, its surpassing merit is not its completeness, but its aspirations. Like them, too, the Capitol is not a creation, but a growth.

Illustrative of this statement have been the changes in the past hundred years. On December 2, 1863, the statue of Freedom was placed on the dome, and in 1865, final work was completed on the dome itself. This completed most of the major changes made in the Capitol during the Civil War period. The next important change in the Capitol came in the 1890's when Frederick Law Olmsted, the landscape architect who designed Central Park in New York City and the Chicago World's Fair of 1893, was engaged to create the present pattern of sidewalks and landscaping in the Capitol grounds. Olmsted was also responsible for the imposing terrace and steps on the west side of the building overlooking the Mall.

During the period from 1949 to 1951 the old roof and skylights over the Senate and House wings, including the Senate and House connections, were replaced with a new roof of concrete and steel construction. The cast-iron and glass ceilings of the Senate and House Chambers were replaced with new ceilings of stainless steel and plaster. Alterations and improvements were also made to the interior of each Chamber. The design for the remodeling of the two Chambers was studies with motives

from the same sources of early Federal architecture used in the old Supreme Court and Statuary Hall sections of the Capitol and from other buildings of the early Republic.

Several years later, in 1955, a nondenominational Prayer Room was added for the use of Members.

Under the Legislative Appropriation Act, 1956, provision has been made for extension, reconstruction, and replacement of the east central portion of the Capitol and other improvements. To date, appropriations totaling some $17 million have been provided for carrying forward work under this project. Preliminary studies are now in progress under the direction of the Architect of the Capitol and the Commission for Extension of the United States Capitol.

Meantime, many changes, of course, have been made in the ventilation and lighting. About 1865, steam heat was introduced. In 1880 Congress investigated the possibility of using arc lights in the two Chambers. In 1885 incandescent lights were installed in the cloakrooms, lobbies, and stairways; in 1886 they were installed in the Senate extension; and in 1888 they were installed in the House wing. In 1897 arc lights were substituted for gas on the Capitol grounds. The grounds are now lighted by floodlights. Theatrical-type spotlights are now installed in the ceiling of the House Chamber.

Elevators were introduced into the building in 1874. Stables were removed from the grounds about 1875. Subways were built connecting the House and Senate Office Buildings with the Capitol in 1907 and 1908 and the electric monorail streetcar was built in the Senate Office Building in 1912, which is the only subway railway in Washington, D. C.

The art work in the Capitol has particularly grown in quantity over the years. Some formerly familiar pieces of sculpture have even been hauled away. W. W. Story's statue of John Marshall, for instance, which is on the west terrace of the Capitol overlooking the Mall, stands near the spot formerly occupied by the Tripoli Monument, a memorial to naval heroes who perished in the Barbary War in 1804. The latter, a familiar sight to visitors in the mid-19th century, was removed in 1860 to the United States Naval Academy, at Annapolis. Another familiar sight for many years was Horatio Greenough's controversial statue of George Washington dressed as an ancient Roman. This statue, which originally stood in the center of the rotunda, was in 1843 moved into the Capitol Plaza facing the east front of the building. It was still there when Coxey's army appeared on the Capitol grounds and got arrested for walking on the grass in 1894, but it has since been banished to the Smithsonian Institution.

At one time there was considerable Congressional sentiment in favor of removing the headdress from the statue of Freedom atop the dome. Freedom had originally been endowed in the artist's conception with a Phrygian liberty cap, symbol of freed slaves. Secretary of War Jefferson C. Davis, who in 1856 had supervision over the building of the extension and dome, had objected and suggested that Freedom wear a helmet. This supposed concession to proslavery sentiment so angered antislavery Members following the Civil War that they proposed that the statue be hauled down and altered; only the great inconvenience and cost of doing this caused the opposition to give up the idea.

In 1864, the former House Chamber, originally considered as an audience room, was set aside for the display of statues of two historic figures from each State. Additions are still being made to the statuary collection, which has now overflowed into other areas of the Capitol.

Other artwork and sculpture have been added right up to recent years. In 1916, the sculptures on the House pediment were unveiled. The Grant Memorial, on First Street, across the Capitol end of the Mall, was added in 1922, on the centenary of Grant's birth. The Brumidi friezes high up in the rotunda were only completed a few years ago. The Senate is now discussing a proposal to hang pictures of five of the most distinguished Senators in the Senate reception room.

The growth of membership in the House is reflected in the changing seating arrangements. Originally Members were entitled to permanent seats. Up to the 29th Congress, seats were taken on a first-come first-choice basis. Members living near Washington who arrived early for a session secured the most advantageous seats and kept them for the duration of the session. In the 29th Congress Members began to draw for their seats. In 1857, when the new House Chamber opened, Representatives had individual carved oak desks and chairs. In 1859, these were replaced by circular benches, with the parties arranged opposite each other. In 1860, however, the desks were restored. In 1873, and again in 1902, smaller desks were introduced; in each instance the reason was increased membership. By 1914 the membership stood at 435 and the House was forced to remove the desks and replace them with chairs arranged in bench construction. Today there are 448 medium-tan leather-covered chairs with walnut frames, bronze feet, and leather-padded arm rests. Members may now occupy any vacant chair.

So great has been the growth in complexity of the legislative process in the past hundred years that various activities once housed in the Capitol have necessarily had to be moved elsewhere.

With the growth of the House, for example, additional office space was required. Until 1908 a Member's desk was his office, except in the case of committee chairmen. Now there are two House Office Buildings and a Senate Office Building. Additional new House and Senate Office Buildings are under construction.

The Library of Congress was established by an act of April 24, 1800, which provided an appropriation for the purchase of books by Congress, required that a suitable apartment in the Capitol be set aside to house them, and established a Joint Committee on the Library to establish rules for their use. By 1815, there were only some 6,500 books in the Library, which had been sold to the Government by Thomas Jefferson after the British had burned the original Library; now there are over 11 million books and millions of other items in the Library of Congress, which occupies two buildings. The first of these, the present main building, was opened in 1897, and the second, the Library Annex, in 1939.

HEATING OF THE BUILDING

In 1904, the Capitol Power Plant at New Jersey and B Street SE. was opened. In 1952, work was commenced on a tunnel connecting many of the Capitol Hill buildings to the powerplant; the tunnel was completed in 1954. At present the plant serves only as a source of steam and refrigeration. Electrical energy is now purchased from a private utility company. During the past several years, the buildings of the Capitol complex have been gradually converting from direct to alternating current. Work is now in progress to enlarge the refrigeration capacity of the powerplant.

CONGRESSIONAL CEMETERY

Many people do not know that Congress has its own cemetery, located at 17th and E Streets SE., near Barney Circle. In 1816, they assigned 100 sites for the interment of Members of Congress. Congress appropriated money to encircle the area with a brick wall. An additional 70 sites were added later. One hundred and thirteen Congressmen have been buried in the Congressional Cemetery. Of these, 14 have been removed for burial in their native States. Tilman Bacon Park, of Arkansas, Representative from 1921 to 1937, who died in February 1950, was the last Representative to be buried in the Congressional Cemetery.

In the early history of Washington Parish—created in 1794—certain residents of the eastern part of the city of Washington purchased a plot of ground for a private cemetery. The date of this purchase is said to be about 1807, perhaps a few years earlier. A little later, finding that it was impractical to continue this project, the owners of this private cemetery tendered the property to Washington Parish. A deed to the land was delivered to the vestry of this parish March 30, 1812, and the cemetery was officially named Washington Parish Burial Ground. Later—possibly between 1840 and 1850—the name was changed to Washington Burial Ground which has continued as its official name ever since.

The cemetery soon became a semiofficial burying ground for United States Senators, Representatives, and other officials of the Government. In 1816, Congress purchased a section of the cemetery and reserved it for the interment of Government officials. Since then, the cemetery has been commonly known as Congressional Cemetery. The cemetery comprises about 30 acres of ground situated on the north bank of the Anacostia River, northeast of Pennsylvania Avenue and 17th Street SE.

From time to time during the early history of the cemetery, the vestry of Washington Parish donated several

hundred plots to the United States Government. In 1848, additional plots were deeded to the Government in return for a grant of about $5,000 for the construction of the wrought-iron fence which surrounds the north side of the cemetery. The brick wall surrounding the south side, the public vault, and the keeper's house, were also paid for by the Government. At the present time, 925 plots in the cemetery are owned by the Government.

During the early period of the cemetery's history, when a prominent United States official died, the Government erected in the cemetery a sandstone cenotaph in his honor. Often, the interment was not actually made in the Congressional Cemetery. The cenotaph was placed there merely as a memorial. There are at present about 176 cenotaphs in the cemetery. Few, if any, have been placed there for the last 60 years.

Recently I took advantage of an opportunity to visit this cemetery and while generally I am glad to report the cemetery is in good condition, the tombstones marking the present burial plots of the Members of Congress who are buried there are in very poor condition; and in my opinion should receive the attention of Congress at a very early date, restoring them and making them a more respectable appearing monument and tribute to deceased Members buried there. On visiting the cemetery I found that among the interred were Elbridge Gerry, a signer of the Declaration of Independence, William Thornton, the first Architect of the Capitol, Push-Ma-Ta-Ha, famous Choctaw Indian chief who fought under Jackson in the Pensacola campaign, John Philip Sousa, and 21 young women who perished in the explosion of the Federal arsenal on the site of the present National War College, during the Civil War.

GROWTH OF HOUSE MEMBERSHIP

Reflecting the increasing complexity of government, which has affected the legislative as well as the executive branch of government, there have been various institutional changes in Congress itself in the past century.

The number of House Members has increased from 237 in 1857 to 435 today. This latter figure is the number fixed by Congress after the admission of Arizona and New Mexico. Should Alaska or Hawaii be admitted to the Union, a temporary increase in seats, followed by a reapportionment, would probably ensue.

The meeting date of the Congress was changed by the 20th Amendment from the first Monday in December to the third day of January, unless Congress shall by law appoint a different day.

The House ceased to be an all-male club when Jeannette Rankin, Republican of Montana, took her seat in 1916. Since then 57 members of the fairer sex have been elected to Congress and the record shows that they all have served with better than average ability.

The salary of present Members of Congress is $22,500 per annum as compared with $6,000 per Congress in 1857. The additional allowances of the present Members of Congress are pretty well known, but what is not known, about 100 years ago is the fact that then the Congressman received 80 cents a mile each way for traveling expenses. It occurred to me that it might be of interest to have an analysis of a representative list of Congressmen and their expenses and then also to note that in 1857, if a Congressman was absent without excuse for any given day he was charged $8.22 for his absence which was his estimated daily pay based upon the salary allowed at that time. Same rules applied today on this matter would mean a deduction of approximately $62.50 per day.

Salary and travel statements of representative group of House Members, 1857

Name	State	Total miles traveled, 2 sessions	Amount paid for travel, 1857-59	Days absent	Deduction for absence	Salary, 2 years	Total salary and travel allowance less absence deduction, 1857-59
James Orr, Speaker of the House	South Carolina, Craytonville	1,408	$1,126.40	None	None	$12,000	$13,126.40
Joseph McKibbin	California, Sierra County	14,306	11,444.80	5	$41.10	6,000	17,403.70
Justin Morrill	Vermont, Strafford	1,022	817.60	11	$90.42	6,000	6,727.18
Nathaniel Durfee	Rhode Island, Tiverton	1,016	812.80	None	None	6,000	6,812.80
Albert Jenkins	Virginia, Green Valley	1,040	832.00	3	$24.66	6,000	6,807.34
Lucius Lamar	Mississippi, Oxford	3,114	2,491.20	4	$32.88	6,000	8,458.32
Alexander H. Stephens	Georgia, Crawfordville	1,416	1,212.80	None	None	6,000	7,212.80
Daniel Sickles	New York, New York City	492	393.60	35	$287.68	6,000	6,105.92
John Sherman	Ohio, Mansfield	1,334	1,067.20	None	None	6,000	7,067.20

Here are statements of three Washburn brothers:

Name	State	Total miles traveled, 2 sessions	Amount paid for travel, 1857-59	Days absent	Deduction for absence	Salary, 2 years	Total salary and travel allowance less absence deduction, 1857-59
Cadwallader Washburn	Wisconsin, La Crosse	4,080	$3,264.00	10	$82.20	$6,000	$9,181.80
Elihu Washburne	Illinois, Galena	4,000	3,200.00	None	None	6,000	9,200.00
Israel Washburn, Jr	Maine, Bangor	1,436	1,148.80	None	None	6,000	7,148.00

The House rules have been changed at various times. A particular difficulty was the fact that to obtain a quorum, Members had originally to answer the roll. In 1890, Speaker Reed introduced the so-called Reed rules, by which a quorum might be established by counting Members present who refused to answer rollcalls. The Speaker of the House was given so much personal power that he became known as a czar. In the person of "Uncle Joe" Cannon, the Speakership became, in the minds of some Members, an obstacle to desirable progressive measures. Attempts by William P. Hepburn, an Iowa Republican, in 1905, and by Champ Clark, a Missouri Democrat, in 1909, to strip Cannon of various powers, came to naught. In 1910, however, the Democrats, with the aid of 30 insurgent Republicans, stripped the Speaker of his membership on the Rules Committee, deprived him of the power to appoint members to this committee, enlarged the membership of the committee, and restricted his power of recognition. Further changes were made in 1911, when the election of members and chairmen of standing committees was taken from the Speaker and returned to the House.

SUMMARY AND COMMENT ON EDUCATION, CIVIL RIGHTS, AND LESSONS OF HISTORY

At the time the House moved to its part of the Capitol extension in 1857, there were 31 States in the Union. The population of the United States was about 28,000,000 as compared to an estimated 170,981,000 today. The center of population was southeast of Chillocothe, Ohio. It is now in southern Illinois. The country has grown correspondingly in its industrial facilities and its wealth. More Americans today have an opportunity to advance themselves through education and the freedom to put that education to work than ever before.

If there is one thing that has not changed since 1857, it is the conviction that our way of life is ideally suited to the happiness and prosperity of our people. Our belief in constitutional government, education, and freedom has not dimmed with the years. On the contrary, faith in our institutions has grown as their value has been demonstrated.

The period since 1857, as the period before it, has been a testing time for our concept of government. The Civil War, in which great national issues were decided, not by the peaceable means afforded by the Constitution, but by conflict, was a challenge of frightening magnitude. Other challenges have appeared, like the two terrible world wars to strike down tyranny, the threat of depression and the threat inherent in the spread of totalitarianism over much of the earth.

There have been times when violence and strife have threatened to disrupt our society. The raid of John Brown on the United States arsenal at Harpers Ferry, Va., the assassinations of Presidents Lincoln, Garfield, and McKinley, the activities of the Ku Klux Klan, the Haymarket riot of 1886 were ominous indications that there are always some members of our society who do not believe in the American concept of ordered liberty under law.

Yet our national belief in progress under the American system has not diminished. We have made progress sort of an American custom. Optimism has always been one of the distinguishing characteristics of our people. Sometimes our faith has been chastened by depressions and wars and atomic bombs, but the underlying American belief in the ability of ordinary mortals to improve themselves and their status in life and, in doing it, their society, is still strong.

It is perhaps not mere coincidence that as the opportunity of our people to obtain an education grew, and as American belief in the right of everyone to enjoy an equal opportunity to better himself grew, the prosperity of the country also grew.

Progress in education, for instance, has been great since the House of Representatives first sat in this Chamber 100 years ago. The great Morrill Act of 1862, establishing our system of land-grant colleges, was one of the most important pieces of legislation, in its ultimate effects upon our society, ever passed. The American college system a hundred years ago was just developing its postgraduate facilities. In those days colleges supplied only a general education. Today we have some of the best graduate schools in the world turning out our teachers and doctors and lawyers and engineers.

A hundred years ago the concept of free public schools had only recently taken root. Today virtually everyone in our Nation is assured of a free public education. This result has come about because of the great belief of the American people in the value of education. Virtually all of it has come about through the personal interest and intervention of ordinary people in the educational policies of their communities.

The period since 1857 has likewise been a great era in the development of the American belief in equal rights. We have had two great constitutional amendments, the 15th and the 19th, forbidding States to deny the right of suffrage on the grounds of race or sex. The 14th amendment forbade the States to deprive any person of life, liberty, or property without due process of law. This battle for civil rights is as old as our country. It began with the Revolution, when our people rebelled against the arbitrary government of King George III. Thomas Jefferson laid the theoretical basis for our rights and liberties in the Declaration of Independence. Traditional English concepts of individual rights were written into our Constitution and today Americans continue to believe in the concept of limited government. They continue to believe that their Government must not act in an arbitrary manner. They continue to believe in legal processes, that where law ends tyranny begins. Their belief in our governmental institutions is as strong and personal as their belief in education. Our way of life lives in the hearts and minds of our people rather than simply in the cherished document we call our Constitution. This is a fact that should forever be remembered by our teachers and our leaders as we promote the ideals we are pleased to call America.

Mr. Speaker, at the beginning of my dissertation I said that we ought at every opportunity to give attention to the important lessons taught by history. It is a deep conviction of mine that if all our citizens had a better knowledge and understanding of American history and the rich heritage that is ours because of the sacrifice to promote great ideas and ideals of our forefathers, there would be no need for concern for the future of our country. Also, if these great ideas were better understood and appreciated by our people, the fight against communism or any foreign ism would be much less difficult. This could mean much more and be more effective than any law that we could pass against any foreign ism. I think there are important lessons to be learned from history that can help us meet the challenge and find the answers to the many perplexing problems of this dramatic atomic age. This age that is fraught with great extremes: on the one hand, a terrible fear of the possible complete extinction of mankind; and the other extreme, an opportunity with this new power to promote peace, prosperity, and understanding never known to the human family before.

There are many expressions of our forefathers that lend encouragement and point the way to a better life for all of us. It is impossible to quote many of them, so I shall quote very briefly some of the pertinent thoughts given to us by three of our greatest—Washington, Jefferson, and Lincoln.

In discussing the life of George Washington, there are many things that come to mind that are exciting. For the purpose of this dissertation, I should like to refer briefly to a part of his Farewell Address that I think is important and because it was noted by our country through the years, we were able to grow and prosper materially and spiritually. I am referring to the moral undergirding that is necessary for our system to function. Without it, in my opinion, our way of life would soon fail. This is what George Washington said on that subject:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

This is indeed a great fundamental truth.

In my opinion, Jefferson's greatest contribution came to our way of life after he had served us so well in so many ways, including the Presidency of the United States. When he made it his business to go back to Monticello to spend the rest of his life promoting the educational system for his country, he did more to shore up the great foundations of our Nation and assure the perpetuity of our Government than any man in that time. Examples of his attitude toward education and understanding is found in almost all of his writings. Among them I like this best:

> I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind, for that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times, we might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.

It seems that fate has always provided leaders for this country that seem to fit the difficult challenge that presents itself and no better example can be found of this, in my opinion, than the story of Lincoln and his contribution to the saving of the best last hope of mankind. He more than anyone else has captured the hearts and minds of the people of our country. Yes, I believe, the people of the world. Reading the life story of this man as it relates to our country is always a great thrill. He spoke so simply and understandably and seemed to know how to say the right thing at the right time. Among the thoughts he left with us, to my mind, that are important, are the following. Speaking of the Civil War, he said:

> This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all an unfettered start, and a fair chance, in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend.

Here, I believe, is the best statement on the objective of government, and especially the principal objective of our Government ever stated by anyone.

Then he points out how our Government is referred to as an experiment. While he was speaking then of the terrible Civil War, I submit the following has its application in our time as well:

> Our popular Government has often been called an experiment. Two points in it our

people have already settled—the successful establishing, and the successful administering of it. One still remains—its successful maintenance against a formidable internal attempt to overthrow it. It is now for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion—that ballots are the rightful and peaceful successors of bullets; and that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets; that there can be no successful appeal, except to ballots themselves, at succeeding elections. Such will be a great lesson of peace: Teaching men that what they cannot take by an election, neither can they take it by a way—teaching all the folly of being the beginners of a war.

In this paragraph is a citation and a statement that ought to be read, reread, and studied by all the peoples of the world and especially by those attending the Disarmament Conference in London these days.

Finally, I submit that Lincoln's statement at the second inaugural, the last paragraph sums up some thoughts that we need to think about. Let me quote:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Let me point out that this paragraph has threescore and 12 words. Fifty-nine of these words are 1-syllable words—12 are 2-syllable words and 1 is a 3-syllable word and its name is charity. This, it seems to me, is the world's greatest need.

Let me suggest as we contemplate the terrible possibility of total destruction in our time on the one hand and the great opportunity for peace on the other, that maybe what this age needs more than anything else is a re-dedication to the fundamental truths of our forefathers and from their experience come to a realization that we need much less promotion and production of missiles with atomic warheads that might lead to complete destruction of humanity and much more effort that will promote calm heads that will promote the use of reason and therefore understanding.

Finally, let me suggest that all of us as Members of this legislative body and as we contemplate our duties and responsibilities that we remember the challenging words of Henry Wadsworth Longfellow's poem entitled "The Builders" where he says that—

"All are architects of Fate,
Working in these walls of Time;"

and the words of another seer of ancient time, reminded us that—

"No doctrine, faith or knowledge is of value to man except as it bears fruit in action."

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. HALLECK. I commend the gentleman on the fine work he has done. It has been my observation that many of us in places such as this tend to take for granted the things we see around us. Certainly it will be very interesting and I think helpful for us to have the opportunity to read carefully and to understand the information the gentleman is giving.

Mr. SCHWENGEL. I thank the gentleman very much.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield.

Mr. CUNNINGHAM of Iowa. I commend the gentleman on the work he is doing and has done in preparing a record and history of this wonderful institution, the Capitol of the United States of America. I have known for some time that the gentleman has been greatly interested all of his life in the history of America. As a citizen of the State of Iowa, he did much in the way of research about our country. He has made speeches to many great organizations all over the United States as well as his home State about the history of this great land and this great Government of ours. So I was really not surprised when the gentleman came to Congress to find him turn his attention to one of the greatest things about our country, this Capitol, these buildings, and the background of them.

I was interested a few days ago in looking through his book to notice that he had pictures of the original Capitol, the building in the town that was used when Congress met after the center of this structure was burned by the British, also the building that was used for a time for the Congress to meet in, located where the Supreme Court now is.

When I read all these things, and of the work the gentleman was doing, I realized why he was able to accomplish so much, and what his early work as a citizen and a patriot at home in the study of the history of America had meant to him and has proved to us here and for the benefit of everyone. I thank the gentleman for the work he has done.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Iowa.

Mr. JENSEN. I am happy that the gentleman from Iowa [Mr. SCHWENGEL] has taken on himself this task of bringing here in black and white form the thing which is very dear to the hearts of most Americans, especially the Members of Congress, and that is the history of the Congress of the United States, the greatest legislative body on earth. I hope the gentleman will have his remarks and the pictures he has on the history of Congress and of the many men who have served in this body put in book form, because I am sure almost every schoolchild in America would be greatly benefited by reading such a book as the gentleman is well able to put together. So I am happy and proud of the fact that this great historian, Congressman FRED SCHWENGEL, of my own State of Iowa, has done this fine work.

Mr. SCHWENGEL. I thank the gentleman.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Mr. Speaker, when I learned that our distinguished colleague from Iowa, Mr. SCHWENGEL, planned to address the House today on the subject, One Hundred Years in This Chamber, I made a few inquiries.

I learned that my predecessor in this body a century ago was the Honorable John Huyler, a Democrat, of Hackensack, N. J., who was known as a proslavery Congressman. His district at the time embraced the area of my own and several other New Jersey districts. He was a building contractor, a farmer, and a lumber merchant and after entering the field of politics, he became president of the Bergen County Board of Freeholders, speaker of the New Jersey State Assembly, and later a judge of the New Jersey Court of Appeals. According to the CONGRESSIONAL RECORD, "He was felled by assassins in 1870." His successor in the 36th Congress was Dr. Jetur Riggs, a Republican, of my home city of Paterson.

Congressman Huyler's task as a legislator could not have been an easy one in the emotionally charged atmosphere of a country struggling to maintain its economic equilibrium through the panic of 1857, bitterly divided over the Dred Scott decision and wracked by scandals in the Midwest where Kansas Territory had a record of four changes in executive administration in one 3-year period. The powerful forces that swept the Nation into the bloody War Between the States were even then building up and the Congressman must have often wished for the pastoral peace of north Jersey.

What did the New York Times of December 17, 1857, say about the first meeting of the House in the new Chamber, the day before?

The Times reported that "amid much confusion the Members proceeded to select their seats by lottery."

Following a debate on the admission of Kansas, according to the Times, the House approved a resolution to print 16,000 copies of the report of the Secretary of the Treasury and another resolution to make arrangements necessary to accommodate reporters in the new Hall. On the day before, the Times in its page one dispatch had criticized severely the Architect or Superintendent for not providing any accommodations whatever for the press.

Getting back to my predecessor of 100 years ago, I am sure that he never dreamed that communication and transportation, then exceedingly slow, would in our day link the entire world in a matter of minutes and hours. When I left Newark, N. J., to come to Washington by plane yesterday, the trip was negotiated in less than 45 minutes. Congressman Huyler in 1857 used both train and ferries to make the same trip which involved several days.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would like to commend the gentleman for his extremely interesting

speech. I think it will do a great deal of good, because hordes of people go through the Capitol here and do not have a chance to really see everything.

The gentleman made reference to the Congressional Cemetery. Some years ago Senator Gary had a very distinguished ancestor buried there and we were instrumental in securing a small amount of money to put a fence around that cemetery. It was horribly neglected at that time. It took one entire day to go by horse-drawn vehicle from the White House to the cemetery and back again.

Mr. SCHWENGEL. I thank the gentlewoman for her contribution and also thank the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, will the gentleman yield further to me?

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. The gentleman has referred to members of the fair sex sitting in this body. I am sure he knows, as I do, that the distinguished gentlewoman from Massachusetts [Mrs. ROGERS] has served in this body for 33 years. She has served in a legislative parliament longer than any other woman in all legislative history.

Mr. SCHWENGEL. I thank the gentleman for his contribution. I was aware of that, and I am glad the gentleman mentioned it as part of the record. I think it is a high compliment to the lady's ability.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. May I add that the gentlewoman from Massachusetts is embedded deep in the hearts of the veterans of America. No love was ever greater than that they give to her. I was deeply moved only yesterday when as we neared the close of the session she was not forgetful of the Spanish War widows who are in such need and put in a word prodding the other body to follow the good example of the House.

Mr. SCHWENGEL. I thank the gentleman from Illinois. The gentleman is absolutely correct in that statement.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. I have been wondering how Congressmen in that day were able to spend as much as $3,000 a year. When I was a boy eggs sold for 7 and 8 cents a dozen, and milk for 4 and 5 cents a quart. A pound of the best meat was 10 cents and they gave you liver and all the rest of it free of charge. A man had to be pretty smart to spend as much as $3,000 in a year.

Mr. SCHWENGEL. I think that is a very interesting observation. I am having the Library of Congress compare the dollar values of that time with those of today. I had hoped to have it here today, but unfortunately I do not. I think the gentleman has made a very interesting observation.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I know every Member here this afternoon and everyone who reads the CONGRESSIONAL RECORD will be in debt to the gentleman from Iowa [Mr. SCHWENGEL] for helping to commemorate the hundredth anniversary this year of the founding of our Nation's Capitol in the form we now know it. We are deeply in the gentleman's debt for his scholarly research. It is a great privilege to serve in this body with a Member who has the instinct for history the gentleman from Iowa has.

To me, a citizen of the great State of Wisconsin, right across the Mississippi River from the State of Iowa, it has been an especial privilege to be here this afternoon because it has brought to my mind one of Wisconsin's great contributions to these halls, the late Senator Robert Marion La Follette, Sr., who served, as the gentleman knows, three terms in this House, between 1885 and 1891, and then from 1906 until his death in 1925 was a Member of the other body, and always, in whatever body, a great friend of the plain people of America.

When Senator La Follette died, and his personal effects were taken account of in his desk in the Senate, among them was found a note which well sums up his political and social philosophy. In that last note he said:

> I would be remembered as one who in the world's darkest hour kept a clean conscience and stood to the end for the ideals of American democracy.

I am very grateful to the gentleman for evoking some of those great memories of the past this afternoon.

Mr. SCHWENGEL. I thank the gentleman very much for his fine contribution.

I have here a whole series of biographies of Members of the Congress. I have right here with me a list of those who I think are among the five very greatest in history. I am afraid to present that list at this time because someone may want to challenge me as to those whom I have included on this list. I do not want to put it in the RECORD now, because I am not quite ready to defend it, although in some instances I am.

There are two gentlemen, however, with whom it is your privilege and mine to serve in this Congress, and they stand out among the greatest. They are none other than our leader, JOE MARTIN, and your leader and our Speaker, SAM RAYBURN, who, as most of you know, now holds the record for continuous service in the Congress and, if he lives out this term, will hold the record for longevity of service. Also, of course, he holds the record for having been Speaker longer than any other Member. He has served with more Members of Congress than any man in history, probably more than any man will ever serve with.

So many times in my short time here I have noted that as to both him and Joe there were times when party politics was second to them. The cause of their country was first. I thank God we have leaders of that type in this country to help us through these difficult and dangerous times.

Mr. O'HARA of Illinois. Mr. Speaker, if the gentleman will yield further, I wish to join with the gentleman from Wisconsin and others of our colleagues here in commending the distinguished gentleman on his scholarly and inspired address. It has been a fitting observance of the hundredth anniversary of the founding of this Capitol Building. The gentleman has rendered a great service.

I wonder if the gentleman would consider it provocative of greater interest in the past and in the great men and women who have served in this body if he would make up a list of the 25 or maybe 30 Members whom he regards as the greatest Members of this body in all the history of this House. Then he might wish to submit his list to other Members so that we could have a provocative debate to stir up interest in the past, because it is that interest in the past that gives virility, drive, and purpose to the present.

Mr. SCHWENGEL. I thank the gentleman for his observation. I have thought of doing the very thing he has suggested. But at this point in my list and with my limited reading—and it is quite a task reading the biographies of the Members of the Congress—there have been books written about many of them, but, of course, not about all of them—it is a rather difficult task and I hope to tackle it some day, and I may advise with you further on that.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield.

Mr. CUNNINGHAM of Iowa. I wish to concur in what the distinguished gentleman from Illinois [Mr. O'HARA] suggested to the gentleman from Iowa. I think it is an excellent suggestion. I think the gentleman from Iowa is well equipped to start on the project. If he needs help, he can get it. I certainly hope he will undertake it when he can in the future, because he has made a wonderful contribution this afternoon.

Mr. SCHWENGEL. I thank the gentleman.

USDA ATTITUDE TOWARD ACP ENDANGERS HUMAN NUTRITION AND SOIL CONSERVATION

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Ohio [Mr. POLK] is recognized for 30 minutes.

Mr. POLK. Mr. Speaker, during the recent consideration by the Congress of the Department of Agriculture Appropriation Bill for the 1958 fiscal year, there was some discussion concerning the advisability of continuing conservation payments to farmers for the use of agricultural limestone. From what I heard of this discussion, it seems to me that a number of administrators and critics of the agricultural conservation program through which farmers receive assistance for the use of agricultural limestone not only misunderstand Congressional intent, as shown by the passage of the Soil Conservation and Domestic Allotment Act, but also fail to

understand the importance which agricultural limestone plays in the total conservation picture. Even more important is the key role of this vital material to the health of all of our people—not just to plants and animals. For agricultural limestone is not just a conditioner of the soil but the supplier of that most important element to all life—calcium.

It is a well-known fact that the use of agricultural limestone on farmland greatly improves crops both in quantity and quality. While the Nation is vitally interested in the economic welfare of farmers, which is affected materially by the increased use of agricultural limestone, it is even more concerned that adequate supplies of this material be used because of its tremendous contribution to the health of our people. It is really only in recent years that we have become fully aware of the fact that we are what we are because of what we eat and that the better we eat the better individuals we are. It was not so long ago that we thought an adequate diet merely meant that we were not hungry. Now we know that it is not enough to merely fill our stomachs, but that the quality of the food is of extreme importance.

This agricultural limestone, which agronomists have long recommended as fundamental to a sound agriculture, now looms as one of the most important elements necessary for the adequate health of our people. Not only does it neutralize sour soils, but more important it supplies tremendous quantities of calcium, which; first, greatly improves the crops; and, second, vastly improves the livestock which feeds from them, and, third and most important, greatly improves the health of the people in our Nation. We all know that we need adequate amounts of calcium to build sound skeletal frames. Calcium is also a very essential element in the production of proteins which play such an important part in the formulation of our muscles and nerves. We are now finding that many human diseases are traceable directly to the fact that the diets of the individuals have been deficient in important minerals.

Dr. E. A. Louder, of Greenville, Ill., testifying before the House Select Committee to Investigate the Use of Chemicals in Food Products said:

> The four essential nutrients most likely to be lacking in sufficient amounts in the American diet, are in order of their critical need, calcium, riboflavin, high quality protein, and vitamin A.

Back in 1936 when the Congress passed the Soil Conservation and Domestic Allotment Act which is still in effect it said, and I quote:

> It is hereby recognized that the wastage of soil and moisture resources on farm, grazing and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health and public lands.

In discussing further agricultural conservation policy this statement continued:

> It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources.

Mr. Speaker, the officials in the Department of Agriculture formulated the specific practices, which the Federal Government had been directed by the Congress to assist farmers in carrying out to effectuate the policies of this act, by consulting with both the farmer-elected committees throughout the Nation and agronomic specialists at the various State colleges. Without exception, it was the recommendation of the people in the humid area that the use of agricultural limestone was essential to any well-rounded conservation program.

At that time the 5 million farmers of the Nation were using about a million tons of agricultural limestone in their normal farming operations. The Extension Service, which, as we all know, was started by an act of Congress in 1914, had been urging farmers to utilize more agricultural limestone from that time until this Federal-aid program was begun. With the payments beginning in 1936 to assist the educational teachings, farmers then began to use more liming material until a peak of 30 million tons was reached in 1947. Since that time, because the funds for the program have been cut by the Congress and because of administrative restrictions written in by the Department of Agriculture, the use has declined until now it stands at about 20 million tons a year.

In September 1952 the Department of Agriculture issued a bulletin in which it stated that it would take 395 million tons of limestone to adequately treat the Nation's soils and bring them up to the level which the agronomists of the Nation had indicated was satisfactory. Once this was done, this bulletin states, it would require an annual application of 47 million tons a year to maintain a desirable level of lime content in the soil. Obviously we are falling far short of what our scientists claim is the optimum in spite of all the educational work being done throughout the Nation and in spite of the fact that there are payments available under the agricultural conservation program to stimulate the use of this material.

Now, Mr. Speaker, I should like to address myself to the question of why the use of agricultural limestone is important to the Nation and why each and every citizen should be vitally concerned not only with the expansion of the agricultural conservation program, which is currently reaching over a million farmers a year but also with the use of agricultural limestone on our soils in the humid area. It seems to me in considering our farm legislation we all too often lose sight of the fact that these programs are devised for the general welfare and not just for the individual benefit of farmers. There is no question that by using agricultural limestone farmers become better farmers in the long run by producing better crops and better livestock. I use this term better advisedly which I should like to develop at a later point. All too frequently we think in terms of increasing our farm production in pounds or tons or bales, but we also need to improve our agricultural production from the standpoint of quality of the product. More minerals in the soil mean more minerals in the plants and eventually the animals and animal products and ultimately more minerals in the human diet.

In 1950 a witness appeared before a House select committee of the 81st Congress pursuant to House Resolution 323. He was Dr. W. A. Albrecht, chairman, Department of Soils, University of Missouri, Columbia, Mo., an international authority on soil fertility. In his statement he said:

> It is hereby contended that human, animal, and plant nutrition—and thereby the health of all these—cannot be maintained at a high level unless the fertility of the soil is correspondingly maintained by the judicious use of fertilizers on the soil.

He later said:

> Nutritional science has only recently turned its attention to the problem of growing the body. Past attention has centered mainly on the fuel values, the energies, the calories delivered by foods. This criterion of calories has permitted carbohydrate delivery by failing soil to hold our interest. It has not called attention to failing body growth in muscles, bones, reproductive capacities, and so forth, that call for proteins, calcium, phosphorus, nitrogen, vitamins, and so forth, all of which can be assembled and synthesized into body-building feeds and foods only by plants on fertile soils.

You will note that Dr. Albrecht here points up that fertile soils produce quality feeds that have a direct bearing on not just plants and animals but most important, upon human health. And what is the No. 1 element in his list? It is calcium. And where does calcium come from? Calcium originally came from the mineral-rich soils with which this Nation was so abundantly blessed. However, since the first settlers arrived in this country we have had an era of continuous exploitation whereby we have literally mined our soils. Today they are not capable of producing the high quality foods we need to maintain the health of our people without having mineral supplements added to the soil. Calcium today either gets in our body from properly limed soils or from the drug store—or we have less than perfect health.

Dr. Albrecht further stated degenerative diseases of man as causes of death in the United States rose from 39 percent in 1929 to 60 percent in 1948, while infectious and general diseases fell from 41 percent to 17 percent. Better nutrition more than medicine would be expected as the means of warding off degenerative diseases. Protein deficiencies in terms of soil fertility more than in terms of the purse have not yet been suspected.

In an article that Dr. Albrecht wrote in 1946 entitled "Agricultural Limestone for Better Quality of Foods" he said:

Perhaps you have never thought that your own body contains the calcium equivalent of about 6 pounds of agricultural limestone. Probably you have not connected limestone with the calcium that plays such a vital role in the natural synthetic processes that result in protein products both in plants and animals. And it may not be commonly recognized that this nutrient element as put into the soil by applications of pulverized lime rock should have a big share in determining the quality of food for man and beast and thereby the health of both. We are just now coming around to recognize the greater health value in the quality of foods that are grown on the more fertile soils. The use of agricultural limestone is one of the helps in making our soils more fertile. This practice is, therefore, one of the means of gaining better health by building it from the ground up.

It has long been general practice to use limestone in connection with the growing of various legumes, the nitrogen-fixing crops, or those protein-rich crops that can provide a part of their nitrogen needs by using this element from the extensive gaseous supply in the soil, air and atmosphere. Liming is readily connected with these crops considered able to synthesize air nitrogen into combination with hydrogen and carbon as organic compounds. It is these that put the nutrient nitrogen into circulation for soil improvement when the protein aceous residues of the plants are put into the soil for decay. Soil improvement by means of legume crops is dependent on the services of calcium as a protein-maker, more than on any changes this compound as lime carbonate may bring about in the degree of acidity of the soil.

I well remember studying under Dr. Firman E. Bear who was then in the Department of Agricultural Chemistry and Soils of Ohio State University and who has since become a world-renowned authority in his field. Back in 1922 he wrote an article for the November Farm and Fireside from which I would like to quote. The title was "Why Men Grow Bigger in Some Parts of the Country." He said:

Aside from the fact that lime makes some crops grow bigger and better, did you ever stop to wonder if its effects went farther than just increasing yields? Did you know that the limestone in your field affected your livestock and even yourself and your family? From the standpoint of health, strength, and physical growth, I mean. How can we account for recognized types like the Kentucky mountaineer, Texas ranger, and the Minnesota football player? It must be environment and the soil is one of the most important environmental factors. Virgin limestone soil tends to produce big bones, large shoulders, well-muscled men with large feet and hands.

He further stated:

It might even be possible to determine the needs for lime from a study of the people themselves.

He said:

I am confident that the lack of carbonate of lime in the soil can be detected from the study of the people as well as the animals and the vegetation a locality produces.

We have come a long way since Dr. Bear's statement in 1922 and the evidence which we have now developed in the nutritional field proves him to be a prophet. For example, during the last war we found that seven out of ten draftees were accepted from Colorado and seven out of ten were rejected from one of the Southern States where we have a major deficiency in calcium in the soil. As you know, the Colorado soils have one of the highest calcium ratios in the Nation. Neil Clark in a Saturday Evening Post article entitled "Are We Starving to Death?" points out that even though the American people are apparently eating better than anywhere else in the world many of our people have hidden hunger because of our mineral-depleted lands. He says this condition stalks us invisibly, strikes silently, is almost as hard to believe in as germs were when Pasteur revolutionized medicine by revealing their role in disease. This condition is not dramatic. It appears that the disease of the soil is directly transmissible to man but, unlike its devouring cousin erosion, it silts up no rivers to cause billion-dollar floods, digs no gulleys to swallow up farms. It works away but leaves no clear-cut sign. Fields that always have been green may be green still but the same life is no longer in them.

Calcium is one of the two nutrients in which American diets most often fall below the recommendation of the Food and Nutrition Board of the National Research Council. Calcium deficiencies in nutrition are much more frequent than physicians commonly realize because there is no good way of detecting them. In fact, a condition which nutrition research has now shown to be one of shortage, as viewed in the light of the full-life history, is still commonly counted as within the range of the normal. In the light of present knowledge of lifetime relationships it is now apparent that we are all born calcium-poor. That is, the human body at birth has not only a much smaller amount but also a much smaller percentage of calcium than the normal fully developed body contains.

In order to develop normally, the child needs not only to increase the amount, but also to increase the percentage, of calcium in his body, at the same time the body weight is increasing rapidly. This means an accentuated need for calcium as compared with the need for other body-building materials.

Without a relatively high calcium intake, the body must remain calcium-poor. Sometimes, it always remains so. People may thus go through life with calcium-poor bodies, partly because there is no method of directly diagnosing this condition. It can, however, be studied by research methods.

The National Research Council now recommends that a child be provided with a diet that has from 1.0 to 1.0 grams of calcium per day. Adults should be provided with at least a gram a day. Inasmuch as 99 percent or more of the calcium in the body is in the form of relatively insoluble bone mineral, the question naturally arises how this can have such an important influence upon individual and family well-being.

An interesting explanation is found in the fact that when food calcium is more liberal there results a better development of the internal structure of the bones. This is particularly true within the porous ends of long bones, where it means a greatly increased surface of bone mineral in contact with the circulating blood, and therefore a much more prompt and effective restoration of the blood calcium to full normal concentration after all the many small wastages that occur in everyday life as well as under various conditions of extra strain.

Even though the fluctuations of blood calcium concentration are small from the viewpoint of our ability to measure them, yet the more quickly and completely the blood recovers from every decline in its calcium content the better the body maintains its highest degree of health and efficiency. Thus it is very important to the welfare of every country that its people get a good calcium supply from their food and drinking water.

The only source of this necessary food element, calcium, is the lime in our soils from which hay and pasture crops, in fact all plants, derive their calcium, and in turn supply the calcium in milk and in fruits and vegetables.

Certainly this is of sufficient importance to health to warrant the use of Federal funds through the ACP to encourage farmers to apply more lime to their soils.

In addition to the importance of lime in the field of human nutrition and the health of people generally, there is a very important feature of soil conservation where lime is equally indispensable.

To illustrate what I mean I shall read a brief excerpt from the testimony of Dr. Ralph W. Cummings, director of research, North Carolina Agricultural Experiment Station, before a select committee of Congress in 1950.

He said:

A small watershed in Buncombe County, N. C., had become too poor and too severely eroded for immediate reestablishment of forest cover a few years ago. Without treatment, vegetation was very sparse and consisted principally of weeds and poverty grass. Lespedeza would germinate but would not grow. A moderate application of lime and superphosphate made possible the establishment of a lespedeza cover and increased the total production of vegetation more than threefold. The dominant vegetation was changed from poverty grass and weeds to lespedeza and shortly thereafter, palatable grasses such as bluegrass and orchard grass could get established. By more liberal applications of lime, superphosphate, and potash, it has been possible recently to establish Ladino clover and tall fescue on similar lands on the college farm near Raleigh, with resulting yields in digestible nutrients equivalent to around 90 bushels of corn per acre. Thus land which was producing practically nothing of value has been changed by chemical fertilizers and lime to a condition in which it produces good yields of milk and meat. The effects of this change on human nutrition should be obvious when put into widespread use in North Carolina and other Southern States.

You will note that a moderate application of lime and superphosphate made possible the establishment of a lespedeza cover and increased the total production

of vegetation more than threefold. Furthermore, by more liberal applications of lime, superphosphate, and potash, Ladino clover and tall fescue were established on similarly eroded soils.

The point I wish to make is that it is necessary to use lime in conjunction with chemical fertilizers. Fertilizers alone will not restore most soils, but when used with sufficient amounts of lime remarkable results can be obtained.

In order to encourage farmers to use this conservation practice of liming eroded soils, Congress has provided funds through the ACP for this purpose.

Unfortunately, it appears that some persons in the USDA who administer the ACP and related conservation programs are not fully aware of the need and the desirability of expanding this very worthwhile phase of soil conservation.

In dealing with the subject of soil fertility and its implication on our health it is essential that one establish certain facts and principles at the outset and then follow through as they seem to have causal connections with the phenomena under consideration.

The first fact that may well be considered is the observation that under moderate temperatures the increase in annual rainfall from zero to 60 inches, for example—as is the range in going across the United States from near the coast range eastward—gives first an increased weathering of the rocks. That change represents increased soil construction. Going east from zero rainfall means increasingly more productive soils until one reaches about the midcontinental area. Then with still more rainfall, there comes excessive soil development under the higher rainfall which means increased soil destruction in terms of soil fertility considered both in quantity and in quality.

Consequently, if we are to reverse this trend of nature and not only conserve our present soil resources in the humid area but improve the fertility of these soils as directed by the Congress in the Soil Conservation and Domestic Allotment Act, we must continue the encouragement by all means—educational and ACP payments—to get agricultural limestone used in the quantities recommended by our soil scientists on the Nation's farms to insure the health of all our people.

In conclusion I should like to refer briefly to the recent hearings before the Joint Committee on Atomic Energy. AEC Commissioner Libby and other scientists pointed out in their testimony that, on the basis of present information, the danger from strontium 90 fallout is not as great when soils are adequately limed. They indicated that strontium 90 is very similar to calcium. When plants have a choice, they prefer calcium to strontium 90. The present evidence is that when adequate amounts of calcium are present in the soil, plants only take up 25 percent as much strontium 90 as when there is a shortage of calcium.

The greatest danger from fallout of strontium 90 is not what you get on your body but what you get from the food that you eat. For example, sheep on calcium-deficient soils in Wales have 4 times as much strontium 90 as sheep in this country on soils with adequate calcium. The Atomic Energy Commission has indicated that 100 sunshine units is the maximum the human body can absorb before the danger of bone cancer or leukemia may develop. They have estimated that some areas which are calcium deficient could approach the tolerance limit for large populations by the beginning of the 21st century.

If adequate amounts of calcium—agricultural limestone—will reduce the uptake of strontium 90 by plants 75 percent, is it not good insurance for us to expand the use of agricultural limestone to the optimum recommended by the atomic and agronomic scientists? It seems to me that in the face of the facts as presented by the agronomic scientists concerning our health and the atomic scientists concerning our protection, the Congress and the administration should be doing everything in their power to encourage the use of agricultural limestone on the Nation's farms.

FIRST SESSION OF THE EIGHTY-FIFTH CONGRESS

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Indiana [Mr. MADDEN] is recognized for 15 minutes.

Mr. MADDEN. Mr. Speaker, the 1st session of the 85th Congress is about to adjourn. With the exception of sessions during the war, this has been the longest in 25 years. Legislation involving domestic problems, appropriations, numerous bills dealing with our business economy and committee work have kept the Members busy. I wish to report on but a few of the problems which this Congress has acted upon or failed to act upon since January 3, 1957.

SCHOOL CONSTRUCTION

The major disappointment was the defeat of the school-construction bill by the close margin of six votes. I was assigned the task of handling the rule and opened the 3-day debate on this important and necessary legislation. The Washington Post in its August 18 edition gave a factual account of the defeat of this bill; I hereby quote excerpts therefrom:

> The House finally considered the Kelley bill authorizing $1.5 billion for construction of schools. This was a compromise measure.
>
> In advance of the voting, President Eisenhower was described as not being altogether satisfied with the compromise bill but willing to accept it "as a starter." However he made no ringing appeal for its passage; in fact, he said nothing.
>
> While the bill was under consideration in the House, advocates of school construction became fearful that it would be defeated. Representative WILLIAM H. AYRES, Republican, of Ohio, dusted off President Eisenhower's own program and offered it as an amendment. Liberal Democrats, who wanted some kind of a school bill, arose one after another to voice support of the Eisenhower-Ayres program.
>
> Then Representative HOWARD W. SMITH, Democrat, of Virginia, came up with a motion to strike out the enacting clause of the Kelley bill; in other words, to kill it. The House did kill it, by a vote of 208 to 203. Among those who voted to do this were three administration stalwarts: Representative CHARLES HALLECK, of Indiana, assistant Republican leader, Representative LESLIE ARENDS, of Illinois, Republican whip, and Representative LEO E. ALLEN, of Illinois, ranking Republican on the Rules Committee.
>
> Had these three voted to keep the legislation alive—as they might very well have done at some urging from the White House—the way would have been opened for a vote on President Eisenhower's own program as embodied in the Ayres amendment and there would have been a good chance of passage.
>
> A day or so later, at a news conference, the President was reminded that Democrats had switched and lined up behind his school program. "I never heard of that," he said. "If that is true, why you are telling me something I never heard."
>
> Why the President hadn't heard—what happened to the vaunted liaison between Capitol Hill and the White House—has never been explained.

The Democratic and Republican platforms in the last presidential election endorsed Federal financial aid for school construction. Candidate Eisenhower in 1952 in his campaign speeches said, "We need 340,000 schoolrooms." Almost 5 years have passed but the White House has made no serious effort to carry out that campaign promise. The false propaganda circulated to the effect that passage of this bill would place control of our schools under the Federal Government was unfortunate. The bill provided only for building construction aid for a period of 5 years with all control of construction in the local and State authorities.

CIVIL RIGHTS

This session of Congress enacted the first legislation on civil rights since the Civil War reconstruction days. The bill in its final form was not the broad, effective legislation that passed the House. It is hoped that the right to vote will now be exercised by all Americans without the curbs and barriers which have existed in the past. I have stated on many occasions that as long as unlimited filibustering is permitted in the Senate, a complete and effective civil rights bill cannot be enacted. On two occasions, first on January 7, 1953—the first week of the new Eisenhower administration—a motion to change rule 22 and curb unlimited filibuster was defeated in the Senate. Forty-two Republican Senators, including Senators CAPEHART and JENNER, joined with southern Members to defeat Senator ANDERSON'S amendment. On January 4 of this year—the first week of the second Eisenhower term—the same amendment of Senator ANDERSON to defeat rule 22 was presented and defeated. Twenty-nine Republicans, including Senators CAPEHART and JENNER, joined the southern Members this time and voted against curbing unlimited debate. The power of the White House was not used on either occasion to influence Republican senatorial leadership to amend rule 22, and thus lay the foundation for effective civil-rights legislation.

On yesterday the Rules Committee reported out a resolution recommending the House agree to some amendments. This resolution has today passed the House with a vote of 278 to 97. This civil-rights legislation will be the forerunner to more expanded legislation in the future.

HIGH COST OF LIVING

Each month for over a year, the Government has announced additional increases in the cost of living. The executive department has refused to initiate any plan or take effective steps to curb this devastating raid on the consumer public. In fact the Republican leadership in the House opposed the legislation this session which would bring about a full-scale investigation of Secretary Humphrey's financial policies including high interest rates and other causes for inflation. The Eisenhower administration's economic policies have in 4½ years made the farmers, consumers, wage-earners, retired groups, and small-business men bear the brunt of the skyrocketing cost of living and rising inflation.

AGRICULTURE

Six hundred thousand families left their farms since the Eisenhower-Benson farm policy was launched in the spring of 1953. During President Truman's administration the farmer was receiving 100 percent parity and today the Benson program has reduced parity to almost 80 percent.

It is estimated that the farmers lost 12 billion in income during this 4½-year period and their livestock inventory has lowered to 8.7 billion. Secretary Humphrey's high interest policy has also dealt the farmer a heavy blow.

NATIONAL DEBT

Unfortunately the press fails to remind the people that President Eisenhower and his campaigners in 1952 promised to reduce the national debt. The facts are that on January 15, 1953, our national debt was $266.7 billion, while today it has increased to $274.2 billion. Also with the aid of Secretary Humphrey's increased interest rate policy the American taxpayer is paying $927 million more annual interest on our national debt than 4 years ago.

LABOR

The Eisenhower administration through Secretary of Labor Mitchell, has both directly and indirectly curbed legislative action on amendments to the Taft-Hartley law; and also opposed increasing and expanding coverage under the minimum wage law. Secretary Mitchell expounded hollow promises and lipservice in opposition to the so-called and phony labeled right-to-work laws. The Eisenhower-Mitchell combination make convincing speeches wooing the support of labor, but wholly neglect to offer any program to carry out their promises.

In 17 States the so-called right-to-work laws have been locked around the neck of union labor. In those States wage earners and employers are prohibited from sitting around the collective bargaining table; they are estopped from making agreements on wages, hours, and working conditions. In these 17 States union security is restricted and the basic strength of union labor is undermined. The antilabor provisions of the right-to-work laws enacted in some States go further than the rigid provisions in the Taft-Hartley law, which gives to strike-breaking employees the right to vote in union elections and disputes, replacing the qualified union member on strike. Labor must unite and concentrate its force and power in the next session of Congress. The Secretary of Labor should act favorably or remain neutral on necessary labor legislation. It is difficult to combat powerful antilabor lobbys. When the administration and its Labor Department give undercover support to antilabor forces, it is extremely difficult for labor to secure justice and equity on labor laws.

All honest and sincere officers and members of organized labor endorse the efforts of Congressional committees to expose and punish crooks and racketeers in union labor. Millions of dues-paying members of labor organizations must be protected from dishonest labor leaders. Considering the number of officers in labor unions over the country, the percentage of crooks is on a par with any other business or profession.

The AFL–CIO organization has over 16,000 full-time paid officers and in addition over 60,000 officers of local unions. Other labor unions would add to this number of labor-union officials throughout the country. The dozen or so labor leaders called before the McClellan and Douglas committees is but a small fraction of 1 percent of the total; these investigations should expose, not only labor racketeers, but also dishonest employers who deal with the guilty labor leaders.

ECONOMY

Certain newspapers reprint the Congressional Quarterly report on the votes of Congressmen on various appropriations items and thereby classify a Member's economy record. This voting yardstick is both inaccurate and unfair. To oppose reductions for veterans' hospitals, medical care and aid for veteran's dependents, women's division in labor department, medical and welfare, postal salary increase, conservation funds, and so forth, are labeled by this publication as anti-economy votes. A Member's vote against reducing the activity of departments like the above are small items compared to the amount of money saved by opposing the gas bill, the lumber, mineral, metal subsidies and tax write-offs which amount to billions of dollars.

All the domestic and international problems which the Congress has considered in this session cannot be discussed adequately in one review. When the second session of the 85th Congress meets in January 1958, I hope that the Members will have canvassed public sentiment in their home districts and be in a mood to complete the unfinished business which was promised the American people during the last presidential campaign.

EFFECT OF LOBBYISTS' PROPAGANDA UPON OUR SUPREME COURT

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Texas [Mr. PATMAN] is recognized for 45 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, a proper functioning judiciary is respected. Indeed, a proper functioning judiciary is necessary to the protection of the rights of the individual.

My firm beliefs and efforts have supported strongly the principle of the separation of powers upon which our Government was founded. Because of my adherence to that principle throughout the period I have served as a Member of the Congress, I have tried meticulously to avoid doing anything that could be construed as an unwarranted trespass by a Member of the legislative branch upon or in the direction of the judiciary. My faith in the importance of the principle of separation of powers in our Government requires my continued care in that respect. I subscribe to and respect not only that principle but also the principle that requires a proper functioning judiciary to afford each of the opposing parties full opportunity to test in the Court and on the record the arguments of the other before the Court undertakes to subscribe to or reply upon such arguments.

Notwithstanding what I have said about the principle of the separation of powers, I do not consider that Congress is required to bury its head and refuse to take note of the standards, methods, and factors relied upon by the Federal judiciary in reaching important decisions and results. And when there appears to be real reason to question the propriety of standards, methods, and factors utilized by the judiciary, we in the legislative branch should not hesitate to do so.

A number of the Members of the Congress who are lawyers have expressed amazement at some recent decisions of our Federal judiciary. We all know that some of the recent decisions and results reached by our Federal judiciary are so important as to vitally affect our entire people. We wonder what factors were taken into account and relied upon to reach the announced decisions. Particularly the Supreme Court has been singled out for criticism in that connection. Many prominent lawyers have indicated that they are unable to determine what factors prompted the Supreme Court to decide certain cases as it did. In the past our difficulties in that respect were less pronounced. Formerly, we had every reason to expect that decisions by our Supreme Court would be controlled by the standards outlined by the Constitution, the law, the facts of the case and by the sound reasoning of the justices. In the past even though we felt the Court had decided a case wrongly we nevertheless felt that we could understand that the Court had a basis in the record of the hearing in the case for its decision. We could detect known factors which had been argued before the Court by the opposing parties as factors relied upon by the Court for its decision in the case. Today we cannot be so sure that the Court is restricting itself to the use of such known factors, standards, and

methods. We now have reason to believe it will not restrict itself to considering information of record presented to the Court by the parties.

Today we are finding that an additional factor is creeping in to influence the thinking and action of the Supreme Court of the United States. That factor is the Court's consideration of unknown, unrecognized and nonauthoritative text books, Law Review articles, and other writings of propaganda artists and lobbyists. In some instances it appears that the Court has considered and adopted such questionable writings in an ex parte fashion because counsels' arguments and briefs made no reference thereto. Apparently therefore the Court itself uncovered and utilized the articles written by these lobbyists without having notified counsel of its intention so to do. If as indicated such a procedure was followed a situation would be presented wherein counsel would have enjoyed no opportunity to meet the arguments of these theorists and lobbyists. In adopting and relying upon such psuedo legalistic papers disseminated by the lobbyist-authors thereof the result is that the theories advanced by these pretended authorities were presented and received by the Court in an ex parte fashion.

In other cases however it appears that some of the articles written by the lobbyists were mentioned or cited in the brief by counsel for defendants and later cited in the Court's opinion. In such instances it seems to me that here again the Court has acted in an ex parte fashion unless it gave affirmative notice to opposing counsel that it intended to use and rely upon the miscellaneous nonauthoritative writings of the lobbyists and theorists referred to hereinabove. This is true, it seems to me, because counsel is entitled to assume that the Court will not pay attention to citations or writings not theretofore accepted by the Court as authoritative. The Law Review articles, treatises, and so forth, prepared and disseminated by the lobbyists command no respect, have no standing as legal authorities, and therefore warrant no consideration by opposing counsel. If the rule were otherwise counsel would be rendered helpless because their arguments would become diluted heavily with extraneous miscellaneous matter designed to overcome the various theories advanced by the lobbyists posing as legal authorities.

Perhaps many will be quite surprised to hear that the Supreme Court is being lobbied by persons who are partisan advocates. More surprising is the fact that some of that partisan ex parte advocacy has had telling effect on decisions which vitally affect our people and which will continue to affect them adversely for years to come.

It has been noted hereinabove that the arguments of partisan theorists have been relied upon by the Supreme Court of the United States to sustain some of its most important recent decisions. That is true even though the arguments in question were received by the Court in the fashion described above which in turn means that the lobbyists in question have managed to get the ear and reach the mind of the Justices of our great Supreme Court ex parte.

The procedure in question is something new in the long history of Anglo-Saxon jurisprudence. Never have the high courts of England resorted to such dubious conduct and until recently such was never done by the Supreme Court of the United States.

When and how did this new concept of relying upon such ex parte arguments creep into the decisions of the Supreme Court of the United States? It appears that it gained substantial acceptance when certain Justices of the Court commenced turning to the Harvard Law Review and other publications during about 1940 for advice on how the Supreme Court of the United States should decide antitrust cases.

Research conducted by the Library of Congress regarding all of the decisions made by the Supreme Court of the United States in antitrust cases from 1890 to 1957 discloses that in no antitrust case prior to 1940 had the Supreme Court cited as an authority a law review article on the point in issue and upon which it relied for decision in the case. However, the study has shown that commencing in 1940 the influence of law-review articles and of other publications has grown steadily with the Supreme Court of the United States in its consideration and decision in antitrust cases. The following tabulation sets forth the results of that study including the first antitrust case, *U. S.* v. *Socony-Vacuum Oil Co., Inc.* (310 U. S. 150, decided in May 1940), in which the Supreme Court of the United States cited and relied upon writings appearing in law and economic reviews. References to some of those writings do not disclose the names of individuals who were the authors. For example, in the opinion of Justice Frankfurter in the case of *Automatic Canteen Company of America* v. *Federal Trade Commission* (346 U. S. 61), there appears a reference to "Notes, 65 Harv. L. Rev. 1011, 1013–1014," and in the opinion of the court in the case of *Times-Picayune Publishing Co. et al.* v. *U. S.* (345 U. S. 594), there appears the reference "Comment, 61 Yale L. J. 948 at 977, n. 162." In the first of those instances the reference is to notes on the subject in question appearing in the Harvard Law Review without revealing the names of the authors. In the second instance the reference is to "comment" on the subject in question appearing in the Yale Law Journal and without specifying or revealing the name of the author making the "comment." This explanation applies to other similar references appearing in the following tabulation:

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		Cole, An Appraisal of Economic Change. XLIV American Economic Rev. 35, 61.
		Report of Attorney General's National Committee To Study the Antitrust Laws, p. 43.
		Neal, The Clayton Act and the Transamerica Case. 5 Stan. L. Rev. 179, 205, 213.
	392	Rostow. 43 Ill. L. Rev. 745, 753–763.
		Oppenheim, Federal Antitrust Legislation. 50 Mich. L. Rev. 1139, 1193.
	398	Stocking and Mueller, The Cellophane Case. XLV Amer. Economic Rev. 29, 48–49.
	[1] 415	Stocking and Mueller, The Cellophane Case. XLV Amer. Economic Rev. 29, 48–49.
	[1] 418	Stocking and Mueller, The Cellophane Case. XLV Amer. Economic Rev. 29, 56.
	424	Adams, The "Rule of Reason": Workable Competition or Workable Monopoly? 63 Yale L. J. 348, 364.
		Report of Attorney General's National Committee to Study the Antitrust Laws, p. 322.

[1] Dissenting opinion.

Prior to 1940 the argumentative writings and dissertations of students and theorists appearing in law review articles and similar works had limited influence. Principally they were used by students and theorists who were free to utilize any and all materials upon which they were able to lay hands. Such writings and works had not been accepted as a basis for decisions by the Supreme Court of the United States. As pointed out they had not been relied upon by that Court in any Federal antitrust law case prior to 1940.

At this time I shall point to examples where this lobbying of the Supreme Court has been used in the important area of our antitrust laws. In that area of public policy against monopoly the lobbying has apparently influenced the Court materially in recent years. As a result, it appears that the public has lost a number of important cases which were brought to curb monopoly and monopolistic practices.

Through our research we learned that once it became apparent to the would-be lobbyist that the Supreme Court of the United States would pay attention to and rely upon arguments contained in law review articles, books, and other works of law writers without inquiring into the background of the authors, the supply of such propaganda multiplied. The increase in the supply of arguments in law review articles brought an increase in their influence upon some members of the Court. An example of that is in the opinion written by Justice Frankfurter in the case of the *Automatic Canteen Co. of America* v. *the Federal Trade Commission* (346 U. S. 61). In that case Justice Frankfurter—formerly a professor of law at Harvard Law School—included citations to six law review articles. One citation was to notes written by the editors of the Harvard Law Review. Other citations were to articles written by advocates in causes which were served by that decision as rendered by Justice Frankfurter. In other words, the device of presenting arguments in law review articles with an appearance of objectivity influenced a decision furthering the causes of the law writers but the parties were not duly advised beforehand that the Justice would consider such arguments. Therefore, the arguments well could be said to have been presented and considered ex parte. Not only were the arguments considered by Justice Frankfurter ex parte, but in fairness to him it should be said it appears that he had no notice that the writers of some of the arguments he cited and relied upon were partisans with axes to grind.

One of the most devastating blows suffered by those provisions of our antitrust laws designed to nip monopolistic practices in the bud and before they arrive at full bloom was the decision by the Supreme Court of the United States in the case of *Standard Oil Company of Indiana* v. *Federal Trade Commission* (340 U. S. 231) in 1951. In that case the Supreme Court cited a number of authorities it relied upon in arriving at its conclusion and decision against the Government and in favor of the Standard Oil Company of Indiana. Among those authorities were arguments which had been made by various persons in speeches, law review articles, and in testimony before committees. Prominent in the reasoning of the Court and important to its decision in that case in

favor of the Standard Oil Company of Indiana was the Court's reasoning that the Robinson-Patman Act, the antitrust law under which that case had been brought, was inconsistent with the Sherman Antitrust Act. In that connection it cited an authority. In a footnote at page 249 appears the following:

It has been suggested that, in theory, the Robinson-Patman Act as a whole is inconsistent with the Sherman and Clayton Acts. See Adelman, Effective Competition and the Antitrust Laws, 61 Harv. L. Rev. 1289, 1327–1350.

Writings by Adelman propagandizing against the application of the antitrust laws to monopolistic practices were reprinted and widely distributed by the Great Atlantic & Pacific Tea Co. Undoubtedly that propaganda assisted A. & P. in defending an antitrust case. Big business concerns contributed to a fund from which Adelman was paid to help in the preparation of writings on this subject.

Much of the lobbying directed to the Supreme Court in recent years has taken the form of law review articles, pamphlets and books presented as if they were objective works of unbiased, unprejudiced, nonpartisan writers. Actually, many of them have been carefully planned and devised by opponents of our public policy against monopoly with a "view to formulate future antitrust policy." In that connection recommendations were made for "coordination and revision" of our public policy against monopoly and our antitrust laws. Those recommendations in those works were directed principally to our Federal judiciary and with a view to influencing the thinking and action of the Supreme Court of the United States. Much of the activity of the lobbyists in that regard is outlined in detail at pages 11 to 53 of House Report No. 2966, 84th Congress, 2d session. That report was made by the Select Committee on Small Business of the House of Representatives regarding the background, the composition, the purposes and the action of the Attorney General's National Committee to Study the Antitrust Laws. Also in that report it is detailed how a report prepared by that Committee of the Attorney General was sent to every Federal judge who has jurisdiction for deciding an antitrust case. However, those judges were not informed either in the report or by the Attorney General in any accompanying letter that a majority of all of the members of the Attorney General's Committee who wrote the report have been actively engaged in opposing the application of our antitrust laws.

The report of the Attorney General's Committee to Study the Nation's Antitrust Laws, to which I have made reference, at page 181 states:

This Committee approves the result of the Standard Oil decision as consonant with the Nation's antitrust policy.

Mr. Adelman and Mr. McAlister, to whose writings reference was made by the Supreme Court of the United States in the opinion of the Standard Oil case, were members of the Attorney General's Committee and were, therefore, in part responsible for the statement in the report of that Committee concerning the Standard Oil case. Thus, they and others who have opposed the application of our antitrust laws to price discrimination situations provided not only some arguments from which the Supreme Court in the Standard Oil case reasoned its opinion and decision but also later took advantage of what was thus achieved. They used the result of the Standard Oil case through the report of the Attorney General's Committee to propose similar action by all other Federal courts.

It appears the full impact of this lobbying of the Supreme Court by agitators against our antitrust laws was realized last year when the Court handed down its decision in the case of the *United States* v. *E. I. DuPont de Nemours & Company* (351 U. S. 377) sometimes referred to as the Cellophane case. As many as 15 citations were made by members of the Court in the opinions and decisions of that case to law review articles and other writings as "authorities" from which it appears stemmed considerable reasoning by the Court providing a way for the decision against the Government and against the application of the antitrust laws in that case. Law review articles by one of the cochairmen of the Attorney General's Committee were cited by the Court in that case as was the report of the Attorney General's committee. There were a number of citations to the latter.

It is not possible for us to appraise the extent and the significance of the damage which has been done by virtue of the fact that the report of the Attorney General's National Committee To Study the Antitrust Laws has been accepted and relied upon by the Supreme Court of the United States as an authority in deciding the more important antitrust cases. One thing we do know—the Supreme Court in relying upon that report has accepted as an authority a collection of arugments compiled by a group, a majority of the members of which have opposed our public policy against monopoly and monopolistic practices. It was the announced determination of that group to formulate future antitrust policy. It is clear that a part of its plan to effect that result was to reeducate the Supreme Court and the public into believing that certain monopolistic practices, including the practice of price discrimination, are merely competitive and that our antitrust laws which were designed to curb those practices are therefore anticompetitive.

The House Small Business Committee in the 84th Congress held extensive hearings concerning the report of the Attorney General's National Committee To Study the Antitrust Laws. On the basis of those hearings the House Small Business Committee submitted to the House of Representatives House Report No. 2966 on December 19, 1956. Appearing at pages 219 to 228 are the committee's findings regarding the report of the Attorney General's National Committee To Study the Antitrust Laws. Those findings are to the following effect:

Notwithstanding the wealth of factual and other information heretofore considered by the Congress upon the basis of which it has made legislative findings concerning the practical and economic significance of the practice of price discrimination, users and defenders of price discrimination have argued that the practice is not evil; that it is a competitive practice and that laws prohibiting it—including the Robinson-Patman Act—are anticompetitive.

Arguments to that effect were advanced by representatives of big business and users of the practice of price discrimination in their opposition to the passage of the Robinson-Patman Act. Immediately after its passage and before its enforcement was undertaken, those arguments were renewed. When made directly and in such manner as they could be readily appraised, they impressed the public no more than they had impressed the Congress when it was considering passage of the Robinson-Patman Act. However, as the Federal Trade Commission stepped up its efforts to enforce the law against price discrimination, the attacks on the Robinson-Patman Act and other antidiscrimination laws became more vigorous and also more subtle.

No longer was the attack on the Robinson-Patman Act direct and in the form of a frontal assault. It became veiled in a clever scheme of propaganda. That propaganda was part and parcel of a public-relations program (see pp. 16–38 and appendix A of this report) designed to reeducate the public and others concerned with laws against price discrimination. That program aimed at reeducation was designed to convince the public and others concerned with our laws against the practice of price discrimination, that price discrimination is not bad but is actually a competitive practice, and that laws against it are anticompetitive.

In order to supply a basis for their arguments, the defenders of monopoly hired prominent professors of economics, who were teaching in a number of our large and fine educational institutions, to assist in building a new body of literature on the subject of price discrimination in the field of economics.

First, the hired professors appeared and testified in a number of cases in behalf of law violators, and there argued that the discriminatory practices involved were not anticompetitive from the viewpoint of economists. They argued that instead, price discrimination should be expected to occur in situations where we find workable or effective competition. They argued that it was only under the economic concept of pure or perfect competition that economists did not expect price discrimination to be evident, therefore, the argument continued, since we do not now have any situation of pure or perfect competition, we should expect the practice of price discrimination. To those arguments Prof. Holbrook Working, of Stanford University, has provided an answer. In his testimony he said:

"Consider why the theory of perfect competition was constructed. Its purpose was to analyze the effects of competition under conditions which are somewhat artificially simplified for purposes of analysis but which were supposed to fairly well approximate actual or attainable conditions in a considerable part of the economy. The results of this analysis were to show that competition of the sort considered had desirable results. Among those results that were considered desirable are some that depend directly on absence of price discrimination. The belief that price discrimination tends to be objectionable runs as a thread through all the history of economic thought on the effects of competition. Any implication that economists have held only that price discrimination was objectionable under the peculiar and special conditions of perfect competition, and under those conditions only, is untrue."

When arguments did not prove successful enough to acquit law violators in the in-

stances where they were used in litigated cases, the defenders of monopoly arranged for the presentation of the arguments in other forums where they would appear as objective statements by writers who were unbiased. The arguments began to appear in highly respected publications in the form of law review articles and economic reviews.

Through such writings, the defenders of monopoly have presented the practice of price discrimination in a new dress which gives it an appearance of respectability. The economists, who have been hired to defend the practice have described it is a normal competitive practice. In order to provide a basis for that, they have built upon and polished up a bit the arguments which were advanced by them but rejected in litigated cases—namely, the old argument that price discrimination is to be expected in situations of workable or effective competition.

Lobbyists were hired by defenders of monopoly to further their arguments against antitrust laws prohibiting price discrimination. Those lobbyists proceeded to argue that laws against price discrimination are anticompetitive and should be repealed or modified.

The monopolistic practice of price discrimination has been defended through speeches and writings which have been published in highly respected law reviews and economic reviews. Publication of writings thus arranged for by the defenders of monopoly have in a measure secured the results intended. Since such writings often were published without disclosure of the author's partisanship, persons in high places were impressed. On occasions persons were influenced by the arguments in favor of price discrimination and against the laws which prohibit that practice. Actually, enforcement officials and even members of courts have been found citing as authorities the writings of these partisans to support decisions in favor of the cause of the same partisans. It is inconceivable that enforcement officials and members of the courts would have given so much credit to such partisan writings if the bias and partisanship attached to such writings had been fully known and recognized for what they are. Be that as it may, without the knowledge that such writings were purely propaganda, they have been accepted and have influenced decisions which have had the effect of crippling our laws against price discrimination. (See Appendix D of this report entitled "Tabular Showing of How the Robinson-Patman Act Has Been Interpreted Away.")

This report (pp. 11–38) details the evidence of record showing how the lobby in defense of the practice of price discrimination was conceived, planned, formulated, and operated. It shows how that lobby and its fellow travelers carefully and subtly prepared the basis from which to attack the Robinson-Patman Act. They presented their writings as if they were neutral, objective writers working for the public interest.

From such a group came the idea for the creation of a Committee on Revision of Antitrust Policy. Shortly after that idea was advanced, the Attorney General, on July 9, 1953, announced the appointment of the Attorney General's National Committee To Study the Antitrust Laws. He has stated that in the creation of that committee:

"Our aim was to gather articulate spokesmen for responsible points of view to formulate future antitrust policy" (see p. 52 of this report).

The articulate spokesmen who were selected by the Attorney General to be members of that committee "to formulate future antitrust policy" found that a majority of their number were or had been representing violators of our antimonopoly laws (see pp. 43–51 and appendix B of this report). Thus, the Attorney General's National Committee To Study the Antitrust Laws was stacked from the outset with persons whose experience was in opposition to our antitrust laws and our antimonopoly policy.

Therefore, the committee concludes and find that—

1. The Attorney General's National Committee To Study the Antitrust Laws was not fairly composed to represent the diverse national interests which are injured by monopoly and protected by our antimonopoly laws and which, accordingly, have a fundamental equity in the vigorous enforcement of these laws and their revision as necessary to meet the fast-changing conditions of the world in which we live.

2. The 61-man committee appointed by Attorney General Brownell with the approval of President Eisenhower was dominated by corporation lawyers who had spent a substantial part of their careers representing large corporate defendants charged with the violation of the antimonopoly laws. Thus, of the 46 lawyers on the Committee, 39 had represented corporate defendants in cases involving charges of antitrust violation and 26 of these had pending cases of this character during their service on the Attorney General's Committee.

Of the remaining members of the Committee, one-third of the law professors who were members, had appeared as advocates for alleged violators of antitrust laws in proceedings and investigations in the past, and almost one-half of all the economists included the membership of the Committee had appeared as advisers or otherwise as advocates in defense of antitrust law violators.

Almost all of the other economists who were members of the Committee dissented in some respect from the position of the report. When one deducts the law professors, who had appeared for antitrust law violators, one finds only a small number of the remainder actually subscribed to the position taken in the report. Two of these law professors wrote sharp dissents to the position taken in the report by the Attorney General's Committee. The Attorney General and his cochairmen of the Committee refused to have these dissents published in full as a part of the report of the Committee.

There was only 1 member of the 61-man committee who could possibly be described as a representative of American small business. There was no representative of American labor; there was no representative of American farmers; there was no representative of American consumers.

3. The Attorney General's Committee was largely a one-sided committee, representing almost exclusively the large business interests of the United States, who, of course, are the principal violators of our antimonopoly laws and who represent the principal monopoly threat in this country.

4. The Attorney General's Committee also contained, among its most active members, lawyers who had been well-known lobbyists for monopoly, big business. Thus Mr. William Simon was a key member of the Attorney General's Committee. Mr. Simon has been probably the most energetic lobbyist in the country for the monopolistic basing-point lobby. He was a registered lobbyist for this monopoly-minded special-interest group in the period of 1949–51.

Another member of the Attorney General's Committee was Mr. George Lamb, a Washington lawyer, who in 1948 was the author of a lobby blueprint, laying down the outline of what a basing-point lobby should consist of and how it should operate in order to restore to legality the monopolistic practice of basing-point pricing. This blueprint was written by Mr. Lamb and his associate, Mr. Sumner Kitelle. It was then placed in the hands of Mr. William Simon, who at that time was the general counsel of the Capehart committee, which was studying basing-point pricing practices in the light of the Supreme Court's decision in the Cement case earlier in 1948 which had outlawed such pricing practices as a principal tool of monopoly.

Mr. William Simon, in his capacity as chairman of the antitrust section of the American Bar Association, following the publication of the report of the Attorney General's Committee in 1955, presented a resolution to the house of delegates of the American Bar Association which would have placed it on record as endorsing the principles enunciated in the report of the Attorney General's committee. In February of 1956 the house of delegates adopted this resolution.

5. When the operations of the lobby provided for in the Lamb "lobby blueprint" of 1948 are considered, along with the operations of the Attorney General's National Committee To Study the Antitrust Laws, they all appear to be part and parcel of the same scheme for lobbying against our antitrust laws.

6. The Attorney General's Committee did not even attempt to study, much less answer, the basic questions which confront the Nation in the monopoly field; namely, where does the United States stand today with respect to monopoly and economic concentration? How far have we gone in that direction? How serious is the situation? What should we do about it?

Indeed, the committee, in the report it issued and caused to be published, stated:

"Our aim is not to add to the storehouse of statistical data or to survey the economic effects of antitrust applications to specific industries * * * [rather] to make out as clearly as possible the path that antitrust has traveled and what it augurs for the future." (See p. 52 of this report.)

The report demonstrates that the Attorney General's committee adhered to that aim except where it proceeded to make recommendations for future antitrust policy. This report (pp. 60–72) contains an analysis of a number of the recommendations made in the report of the Attorney General's committee and shows how they contrast with the recommendations which were contained in the final report of the Temporary National Economic Committee. The TNEC made a study of our economy problems and the concentration of economic power in the hands of a few. It made recommendations designed to remedy that situation. Among those recommendations were those for strengthening our antitrust laws. In contrast, the report of the Attorney General's committee made no findings concerning the monopoly conditions in the country and most of its recommendations were for weakening rather than strengthening our antitrust laws.

In the words of one of the members of the Attorney General's committee, who dissented from the majority views presented in the report of that committee, Prof. Louis B. Schwartz, of the University of Pennsylvania Law School:

"The majority report would weaken the antitrust laws in a number of respects, and, even more important, it fails to adopt necessary measures for strengthening the law so as to create a truly competitive economy in this country. On 30 specific issues discussed in this dissent, the report takes a position inimical to competition, either by approving existing narrow interpretations or by suggesting additional restrictions."

Professor Schwartz and others who dissented took the position that the Attorney General's National Committee To Study the Antitrust Laws had missed a great opportunity to render a public service. In that connection it was pointed out that there had been a failure to study the monopoly problem and to make recommendations for the strengthening of our antimonopoly laws. (See pp. 4–5 and appendix C of this report.)

A statement on the character of the report of the Attorney General's committee was made by Senator ESTES KEFAUVER, a

member of the Judiciary Committee, United States Senate, and a widely recognized authority on problems relating to small business and monopoly.

Senator KEFAUVER said: "To paraphrase General Bradley, the basic thing wrong with the majority report is that it asks the wrong questions, at the wrong time, of the wrong people. Among the right questions to which the report should have been directed are these: What is to be done about monopolistic control in those industries where it is not merely a threat to the future but is with us here and now? What should public policy be toward those industries where monopolistic control has already been established by the Big Three, the Big Four, the Big Five? What should be done about the continuing trend of concentration to even greater heights? What steps need to be taken in order to halt the wave of mergers now sweeping the country? Why have so few mergers been proceeded against under the new antimerger law, the Celler-Kefauver law, which was referred to in the report as the antimonopoly law of 1950?

"Does responsibility lie with Congress for failing to appropriate enough money, with some organic defect in the law, or with the present administration for failure to enforce the law? What should public policy be toward the problem of price leadership, where one big company calls the tune and everyone else follows? If the law against price discrimination is rendered completely ineffective, will not the power to obtain price concessions replace efficiency in determining economic survival.

"These, Mr. Chairman, are just a few of the fundamental questions which the committee, that is the Attorney General's committee, passes over or handles in such a way as to give us no helpful clue for the framing of public policy. The report is written as if its authors were completely out of touch with reality—with the nature of the world in which we live and have our being.

"The report of the majority of the Attorney General's committee does not even recognize this most ominous of trends. And, since it ignores what is obvious to everyone else, it can afford to ignore, as it does, the important related questions: What have been the causes of this upward trend in economic concentration? To what extent has it been due to mergers, to the use of predatory practices, such as price discrimination, to the use of swollen reserves made posssible by fabulous profits, to changes in the tax laws which have favored big business, to the procurement policy of the Defense Department, to the failure of the administrative agencies to enforce the law, and to other causes? And what should be done to arrest this onward march of monopoly? What new legislation needs to be passed to halt the growth of giant monopolistic corporations while there is still time? On all of these questions, which represent the essence of the monopoly problem, the report is silent. Like the ostrich, the committee apparently operated on the basis of the assumption that that which it chose not to see does not exist. (See pp. 5 and 6 of this report.)

Although the Attorney General's Committee To Study the Antitrust Laws and the report of that committee admitted that it was not its purpose or function to study and report upon the economic and business conditions which require our antimonopoly policy, the report of the Attorney General's committee nevertheless seeks to lend respectability to and peddle the new economic concept of "workable" or "effective" competition. That concept, as previously noted, originated with and was sponsored by writers defending violators of our antitrust laws.

It originated in the arguments of industries hard pressed by public resentment and by legal necessity to rationalize their basing-point systems. In connection with cement, steel, glucose, and conduit, the monstrous conclusion was reached that the matching of delivered quotations by a number of sellers at a given destination was the inevitable result of competitive behavior.

Almost invariably, these economic "analyses" have reasoned in effect: (1) perfect competition results in a single price in any one market; (2) all buyers at a given destination pay identical amounts to all sellers who sell on a delivered basis; (3) therefore, basing-point systems providing for and resulting in a matching of delivered-price quotations by a number of sellers are competitive. The causal sequence implicit in this series of nonsequiturs has been developed by a judicious application of a few competitive principles alternately to one side of the market or the other, as the rationalization required, but never to both sides at once.

For instance, consider the definition of "price" which is crucial to their conclusion. The report of the Attorney General's committee defined the relevant price to be the "actual, laid-down cost to the buyer." This would be all right, as far as it goes, except that it entirely ignores the seller's side of the market, without which obviously no competition can exist.

In averring that competition is present, on the other hand, the arguments switch to the other side of the transaction, and claim that delivered pricing systems are made competitive by the presence of many sellers quoting in a given market. Here, the buyer's side of the market is conveniently overlooked. On closer scrutiny, it is plain that the multibuyer characteristic of the competitive arrangement is absent, and the "market" contemplated is the individual buyer's destination.

Much has been made of the homogeneity of products, for instance in the Cement and Conduit cases. In the Cement case, it was found that this alleged homogeneity was mainly myth. But even if it were true that the physical qualities were unvarying as among suppliers, still the element of transportation has been excluded from the characteristics of the product, but included in the price—the "actual, laid-down cost"—which the buyer pays for that product. Thus, the "relevant" price which is supposed to derive from this "effective" competition bears no relationship to the "homogeneity" whose presence is presumed to contribute to the competitiveness of the situation.

This discrepancy was dismissed by the Attorney General's committee with the magnificently irrelevant remark that such theoretical refinements leave the buyer cold, since he is not interested in costs or receipts of the seller, but only in the cost to himself. If the buyer were free to bargain separately for the homogeneous product and for its delivery service, it is highly unlikely that he would long remain cold to this technicality. For example, in the case of the glucose basing-point systems, it was hardly a matter of indifference to buyers in Decatur who received delivery from Staley's Decatur plant, that they paid for glucose-plus-freight from a Chicago basing point.

Moreover, this product homogeneity led to the conclusion, argued explicitly in the Conduit case, that "no buyer will pay more for the product of one seller than he will for that of another." The germ of truth in this half of the story is, however, not relevant to the delivered pricing situation. For if competition exists in a meaningful sense, there is an inevitable corollary: That no seller will take less for the product from one buyer than from another. The pretense that mill net is not relevant merely because it is not quoted only serves to veil the obvious fact that in delivered pricing systems, the seller does indeed receive varying amounts from buyers at different locations.

Thus, the conclusions of effective competition rest on selective use of competitive characteristics, and the arguments leap with agility from one side of the market to the other. Because delivered prices are uniform at a given destination, the market is so defined at the buyer's location. This ignores the fact that competition requires not only many sellers but also many buyers. Clearly, there are not many buyers at the individual buyer's doorstep, where the actual laid-down cost to the buyer constitutes the relevant price. The arguments ignore the fact that homogeneity of a product means homogeneity of services supplied by the seller, as well as homogeneity of services received by the buyer. They ignore the fact that the term "price" applies not only to the amount the buyer pays, but also to the amount the seller actually receives for the product he sells. While it is true that a buyer will not pay more to one seller than to another, it is equally true that in a competitive market a seller will not accept less from one buyer than from another. Thus when the market is viewed as a two-sided relationship, it is clear that the tests imposed by effective competition are no test of competitiveness at all.

7. The report of the Attorney General's committee was released on March 31, 1955, with considerable fanfare and publicity. There were speeches of praise by the Attorney General of the United States, Assistant Attorney General Stanley N. Barnes, and his cochairman, Prof. S. Chesterfield Oppenheim, when they addressed an evening meeting of the antitrust section of the American Bar Association in Washington, D. C., on the day the report was released. Immediately, thousands of copies of the report were printed by the Government Printing Office and were distributed widely. At the suggestion of Professor Oppenheim, Attorney General Brownell took steps to distribute copies of the report to every judge who would have jurisdiction over, and be responsible for making decisions, in future antimonopoly cases. Likewise, educational leaders, who would be expected to teach what our antimonopoly laws are and should be, were supplied with copies of the report. Also officials of Government agencies who are charged with the responsibility of determining what action should be brought under our antimonopoly laws were supplied with copies of the report. (See pp. 60–63 of this report.)

8. The purpose in publishing and distributing the report of the Attorney General's committee in the manner and to the extent utilized was to affect the thinking and views of enforcement officials, judges, and others who would be concerned about our antitrust laws and antitrust policy. (See p. 61 of this report.)

One of the prominent members of the Attorney General's committee, when asked as to whether the report of the Attorney General's committee as distributed to the Federal judges would impress them, answered, "I hope so" (p. 61 of this report).

One of the witnesses who testified in the hearings before the House Small Business Committee with reference to the report of the Attorney General's National Committee To Study the Antitrust Laws stated that report is "a headline-saturated document that is going to affect and color the thinking of American courts and American lawyers and law school students and law school professors for many years to come."

9. The report of the Attorney General's National Committee To Study the Antitrust Laws is being cited in pending cases in the courtroom to influence the decisions of the courts. One remarkable aspect of such citations is that the Attorney General's report is being cited as an authority to support in court the views of those who helped write it. One instance of that has occurred in an antimonopoly case pending in a United

States Circuit Court of Appeals. In that case, an attorney who was a member of the Attorney General's committee cited the report of that committee which he helped write as an authority to support the position which he was taking in the case at bar. In that connection he failed to disclose to the court that he helped write the document upon which he was relying. The report of the Attorney General's Committee has been cited and relied upon in other court cases. (See pp. 62–63 of this report.)

Other lawyers who have cases in court involving problems arising under the Robinson-Patman Act are busy writing law-review articles in which they are paraphrasing and summarizing attacks upon the Robinson-Patman Act in the Attorney General's report. In addition to citing, as an authority, the report they helped write, they also cite and rely upon other writings of others who were members of the Attorney General's committee. Some of that self-lifting technique is utilized without informing the readers that the authors of the writings are partisans advocating the same causes in pending court cases. Perhaps this is not the rule-of-reason approach, but certainly it is an approach in the direction of an effort of one to try his lawsuit not in the newspapers but in law reviews.

Recently there appeared in the Yale Law Journal an article written by an attorney who was a member of the Attorney General's committee. That article adroitly failed to disclose that the author is affiliated with a law firm presently opposing the Government in a pending case arising under the Robinson-Patman Act. The article attempts to deprecate the Robinson-Patman Act and proceeds to argue many issues of fact and law arising under that act and present in pending litigation. It is copious in its use of footnotes citing "authorities" upon which it relies for support for the position presented. A substantial number of all of the authorities thus cited, a total of 57, were either to statements contained in the report of the Attorney General's committee or to writings by members of the Attorney General's committee. Actually the author of the article appearing in the Yale Law Journal cited seven times his own writings as authorities. If this matter were not so serious as to its probable effect upon future enforcement and interpretation of our antimonopoly laws, this instance could be dismissed lightly as an amusing incident of one attempting to lift himself by his own bootstraps and the bootstraps of his colleagues.

10. The committee deplores these efforts to influence the weakening of the enforcement and interpretation of our antitrust laws and our antimonopoly policy.

11. The antimonopoly laws are essential to the preservation not only of our economic but also of our political liberty. A nation in which all economic power is concentrated in the hands of a relatively few giant business firms cannot long survive as a political democracy. The history of other nations makes this clear. Given a choice between private socialism in the form of business monopoly, or public socialism in the form of government monopoly, or some other form of totalitarianism, a nation will always eventually select the latter. If we are to preserve, therefore, our political liberty, we must make certain that economic concentration of power does not get beyond the danger point in the United States.

12. A fair and searching study of our antitrust laws and the monopoly situation in the United States is essential. It is made more essential by the appearance and distribution of the stacked and loaded report of the Attorney General's committee with the great prestige accorded that committee by the fact that its membership was personally approved by President Eisenhower at the instance of Attorney General Brownell.

Reference is made to the fact that approximately two-thirds of all of the practicing lawyers who were included in the membership of the Attorney General's committee have appeared directly or through their law firms as advocates for alleged violators of antitrust laws in proceedings and investigations in the past.

From the records of the hearings relating to the composition of the Attorney General's National Committee to Study the Antitrust Laws there has been compiled a listing of the members of that committee along with a showing of the antitrust cases in which they or their law firms had appeared in opposition to the application of the antitrust laws.

According to the membership list appearing in the report of March 31, 1955, the personnel of the Attorney General's National Committee to study the antitrust laws consisted of 61 members and 2 cochairmen. Part I, below, is a listing of the members of the committee who directly or through their law firms have appeared for alleged antitrust law violators in proceedings and investigations which are now pending. This listing is divided so as to show separately the lawyers who are engaging in practice regularly, those who are teaching law, and the members who are economists.

Part II is a list of the members of the committee who directly or through their law firms have appeared as advocates for alleged violators of antitrust laws in proceedings and investigations in the past.

PART I: PENDING CASES

Practicing lawyers

H. Thomas Austern, Covington & Burling, Washington, D. C. Antitrust cases: Du Pont Co., cellophane case; Du Pont Co., Chicago divestiture case (GM, United States Rubber); Watchmakers of Switzerland, Information Center (represented by firm); Michigan Tool Co. (criminal and civil).

Wendell Berge, Berge, Fox & Arent, Washington, D. C. Antitrust case: Joseph A. Krasnov.

Bruce Bromley, Cravath, Swaine & Moore, New York, N. Y. Antitrust cases: International Business Machines Corp., Lee Shubert.

Hammond E. Chaffetz, Kirkland, Fleming, Green, Martin & Ellis, Chicago, Ill. Antitrust cases: Du Pont Co., Chicago, divestiture case (GM, United States Rubber); Darling & Co.; Employing Plasterers Association; National City Lines; *Zenith* v. *RCA et al.*

John W. Davis, Davis, Polk, Wardell, Sunderland & Kiendle, New York, N. Y. (Although Mr. Davis is deceased he is listed because the firm continues in the active representation of defendants in pending cases.) Antitrust case: Standard Oil Co. (New Jersey).

George E. Frost, Chicago, Ill. Federal Trade Commission case: E. Edelmann & Co.

Edward F. Howrey, chairman, Federal Trade Commission, Washington, D. C. Federal Trade Commission cases: Rubber Tire Industry; Quantity Limit Proceeding, file 203–1; Investigation of the Firestone Tire & Rubber Co.

Edward R. Johnston, Johnston, Thompson, Raymond & Mayer, Chicago, Ill. Antitrust cases: Butane Corp.; Fannin's Gas Co.; National City Lines; *Zenith* v. *RCA et al.*

A. Stewart Kerr, Crawford, Swenny & Dodd, Detroit, Mich. Antitrust cases: Kelsey, Hayes Co., Logan Co. (represented by firm); Michigan Tool Co. (criminal and civil).

Kenneth Kimble, McFarland & Sellers, Washington, D. C. Federal Trade Commission case: 203–1, quantity limits, rubber tires, National Association of Independent Tire Dealers, Inc.

Francis R. Kirkham, Pillsbury, Madison & Sutre, San Francisco, Calif. Antitrust case: Standard Oil of California.

George P. Lamb, Kittelle & Lamb, Washington, D. C. Federal Trade Commission cases: Chain Institute, Inc., et al.; Pet Milk Co.

Mason A. Lewis, Lewis, Grant, Newton, Davis & Henry, Denver, Colo. Antitrust case: General Mills (represented by firm).

Breck P. McAllister, Donovan, Leisure, Newton & Irvine, New York, N. Y. Antitrust cases: Standard Oil Co. (New Jersey); watchmakers of Switzerland Information Center (represented by firm).

James A. Rahl, Snyder, Chadwell & Fagerburg, Northwestern University, School of Law, Chicago, Ill. Antitrust case: *United States* v. *E. I. duPont de Nemours & Co., et al.* (civil action No. 49C–1071 N. D. of Ill., E. D.); Federal Trade Commission case: D. 6175, National Dairy Products Corp. et al.

Charles B. Rugg, Ropes, Gray, Best, Coolidge & Rugg, Boston, Mass. Antitrust cases: Lawrence Fuel Oil Industries, Inc. (represented by firm); Lowell Fuel Oil Dealers (represented by firm).

Albert E. Sawyer, New York, N. Y. Federal Trade Commission case: Crown Zellerbach Corp. et al.

Herman F. Selvin, Loeb & Loeb, Los Angeles, Calif. Antitrust case: Twentieth Century-Fox (represented by firm).

Whitney North Seymour, Simpson, Thacher & Bartlett, New York N. Y. Antitrust cases: International Boxing Club; *Zenith* v. *RCA et al.*

Morrison Shafroth, Grant, Shafroth & Toll, Denver, Colo. Antitrust case: Union Carbide & Carbon (indictment and information).

William Simon, Washington, D. C. Federal Trade Commission case: Warren Petro Corp.

Blackwell Smith, Smith, Sargent, Doman, Hoffman & Grant, New York, N. Y. Antitrust case: American News Co.

Jerrold G. Van Cise, Cahill, Gordon, Reindel & Ohl, New York, N. Y. Antitrust cases: Pan American World Airways (represented by firm); Procter & Gamble Co.; Radio Corporation of America; Standard Oil Co. (New Jersey); *Zenith* v. *RCA et al.*

Curtis C. Williams, Jr., Jones, Day, Cockley & Reavis, Cleveland, Ohio. Federal Trade Commission: Thompson Products, Inc.

Laurence I. Wood, counsel, apparatus sales division, General Electric Co., New York, N. Y. Antitrust case: *Zenith* v. *RCA et al.*

Law professor

S. Chesterfield Oppenheim, cochairman. (Pending investigation at the Federal Trade Commission relating to Firestone Tire & Rubber Co., for alleged violation of the Clayton Antitrust Act including the Robinson-Patman Act and the Federal Trade Commission Act.)

PART II: CASES IN PAST LITIGATION

(NOTE.—Where name of firm and address are not shown see part I for that information.)

Practicing lawyers

Cyrus Anderson, assistant counsel, Pittsburgh Plate Glass Co., Pittsburgh, Pa. Antitrust case: Libby-Owens-Ford Glass Co.

Douglas Arant, White, Bradley, Arant & All; White, Bradley, Arant, All & Rose, Birmingham, Ala. Federal Trade Commission cases: D. 5449, Metal Lath Manufacturers Association et al.; D. 5508, American Iron & Steel Institute et al.

H. Thomas Austern. Antitrust cases: American Can Co.; Bendix Aviation Corp.; Henry S. Morgan; A. B. Dick Co.; Imperial Chemical Industries, Ltd.; Phillips Screw Co.; the Sherwin-Williams Co. Federal Trade Commission cases: Van Kannel Revolving Door Co.; California Packing Corp. et

al.; American Tobacco Co.; Agricultural Insecticide and Fungicide Association et al.; Automatic Canteen Company of America; National Biscuit Co.; Independent Grocers Alliance Distributing Co. et al.; E. I. du Pont de Nemours & Co., Inc., et al.; Association of Coupon Book Manufacturers et al.; J. Richard Phillips, Jr., & Sons, Inc., et al.; American Chicle Co.; the Larsen Co.; Malleable Chain Manufacturers Institute et al.; Sylvania Electric Products, Inc., et al.; Atlas Supply Co. et al.; H. J. Heinz Co. et al.

Cyrus Austin, Appell, Austin & Gay, New York, N. Y. Federal Trade Commission cases: Standard Oil Co.; Acme Asbestos Covering & Flooring Co., et al. (court proceedings only); Ruberoid Co.

Wendell Berge, Posner, Berge, Fox & Arent; Berge, Fox, Arent; Berge, Fox, Arent & Layne. Federal Trade Commission case: D. 5356, International Association of Electrotypers & Stereotypers, Inc., et al.

Bruce Bromley. Antitrust cases: Allegheny Ludlum Steel Corp.; Bendix Aviation Corp.; Electrical Apparatus Export Association (represented by firm); General Electric Co. (incandescent); General Railway Signal Co.; Hartford Empire Co. (represented by firm); Henry S. Morgan (represented by firm); Univis Lens Co. (represented by firm); DeBeers Consolidated Mines; National Lead Co.; U. S. Alkali Export Association; U. S. Gypsum Co. Federal Trade Commission cases: Paramount Famous Lasky Corp.; West Coast Theaters, Inc., et al.

Hammond E. Chaffetz. Antitrust cases: American Optical Co. (represented by firm); Armour & Co.; Chicago Mortgage Bankers Association; Yellow Cab Co.; Swift & Co.; Wilson & Co., Inc.; Association of Limb Manufacturers of America. Federal Trade Commission cases: Retail Coal Merchants Association, et al.; Standard Oil Co. (Indiana); National Tea Co., et al.; B. F. Goodrich Co.; Atlas Supply Co., et al; B. F. Goodrich Co.

Herbert W. Clark, Morrison, Rohfeld, Foerster & Clark, San Francisco, Calif. Antitrust cases: Food Machinery & Chemical Corp. (represented by firm); National Association of Vertical Turbine Manufacturers (criminal); National Association of Vertical Turbine Manufacturers (criminal); Northern California Plumbing & Heating Wholesalers Association; Outdoor Advertising Association of America (represented by firm). Federal Trade Commission case: Cement Institute et al.

Thomas F. Daly, Lord, Day, & Lord, New York, N. Y. Federal Trade Commission cases: D. 5502, Corn Products Refining Co. et al.; D. 5587, Colgate-Palmolive-Peet Co.

John W. Davis. Antitrust cases: Henry S. Morgan; Breaklining Manufacturers' Association (3 cases); Mortgage Conference of New York; New York Central Railway; Paramount Pictures, Inc; DeBeers Consolidated Mines (civil). Federal Trade Commission cases: Butterick Co. et al.; Eastman Kodak Co. et al.; General Electric Co. et al.; Radio Corporation of America; Rubber Manufacturers' Association, Inc. et al.; Standard Brands, Inc. et al.; National Biscuit Co.; Allied Paper Mills et al.; American Iron & Steel Institute et al.; Atlas Supply Co. et al.

Raymond R. Dickey, Danzansky & Dickey, Buckley & Danzansky, Washington, D. C. Federal Trade Commission case: D. 5482, Carpel Frosted Foods, Inc. et al.

Charles Wesley Dunn, New York, N. Y. Federal Trade Commission cases: Beech-Nut Packing Co.; Lautz Brothers & Co.; Goodall Worsted Co.; Armand Co.; Armand Co., Inc. et al.; Penick & Ford, Ltd. et al.

George E. Frost, Chicago, Ill. Federal Trade Commission case: D. 5770, E. Edelmann & Co.

Fred E. Fuller, Fuller, Harrington, Seney & Henry, Toledo, Ohio. Antitrust cases: Libby-Owens-Ford Glass Co.; Hartford Empire Co. Federal Trade Commission case: American Surgical Trade Association et al.

Robert W. Graham, Bogle, Bogle & Gates, Seattle, Wash. Antitrust cases: Alaska Steamship Co.; Chrysler Corp. Parts Wholesalers, Northwest Region; K. & L. Distributors, Inc. Federal Trade Commission cases: Carl Rubenstein et al.; New England Fish Co. et al.; Washington Brewers Institute et al.

Benjamin H. Long, Dykema, Jones & Wheat, Detroit, Mich. Federal Trade Commission case: D. 6107, Blotting Papers Manufacturers Association, et al.

Edward F. Howrey. Federal Trade Commission cases: Robinson Clay Products Co. et al.; American Refractories Institute et al.; Automatic Canteen Co. of America; Structural Clay Products, Inc. et al.; Luden's, Inc.; F. B. Washburn Candy Corp.; Kimball's Candy Co.

Edward R. Johnston. Antitrust cases: Chicago Mortgage Bankers Association; National Association of Vertical Turbine Manufacturers (criminal) (represented by firm); Northern California Plumbing & Heating Wholesalers Association; Wallace & Tiernan, Inc. (criminal and civil); Central Supply Association; International Harvester Co.; National Cheese Institute. Federal Trade Commission cases: United States Maltsters Association et al.; Youngs Rubber Corp.; Metal Lath Manufacturers Association et al.; American Surgical Trade Association et al.

Francis R. Kirkham. Antitrust cases: Food Machinery & Chemical Corp.; Cement Institute (represented by firm); Walter Kidde & Co. (represented by firm); Northern California Plumbing & Heating Wholesalers Association (civil); Northern California Plumbing & Heating Wholesalers Association (criminal).

George P. Lamb. Antitrust cases: Diamond Match Co.; Johnson & Johnson. Federal Trade Commission cases: Card Clothing Manufacturers' Association et al.; American Veneer Package Association et al.; Wire Rope & Strand Manufacturers Association, Inc., et al.; Tag Manufacturers Institute et al.; Rubber Manufacturers Association, Inc., et al.; American Iron & Steel Institute et al.; National Paper Trade Association of the United States, Inc., et al.; Vitrified China Association, Inc., et al.; Advertising Specialty National Association et al.

Mason A. Lewis. Antitrust case: Cement Institute. Federal Trade Commission case: Ideal Cement Co. et al.

Breck P. McAllister. Antitrust cases: Eastman Kodak Co. (represented by firm); Electric Storage Battery Co. (represented by firm); Henry S. Morgan; Technicolor, Inc. (represented by firm); Diamond Match Co.; Imperial Chemical Industries, Ltd.; New York Great A. & P. Co.; Paramount Pictures, Inc.; Wallpaper Institute. Federal Trade Commission case: Cement Institute et al.

Parker McCollester (deceased). Federal Trade Commission cases: Corn Products Refining Co. et al.; Corn Products Refining Co. et al.; Colgate-Palmolive-Peet Co.

Gilbert H. Montague, New York, N. Y. Federal Trade Commission cases: Shredded Wheat Co.; Bureau of Statistics of the Book Paper Manufacturers et al.; Cudahy Packing Co.; Cudahy Packing Co.; Mennen Co.; Philadelphia Wholesale Drug Co. et al.; Paramount Famous Lasky Corp.; Oneida Community, Ltd.; New York State Sheet Metal Roofing and Air Conditioning Contractors' Association et al.; General Electric Co. et al.; Metal Window Institute et al.; Biddle Purchasing Co. et al.; Joseph Dixon Crucible Co. et al.; Salt Producers Association et al.

James A. Rahl (for name of firm see part I). Federal Trade Commission case: D. 5979, American Surgical Trade Association et al.

Charles B. Rugg. Antitrust cases: Gamewell Co.; General Electric Co. (incandescent); Minnesota Mining and Mfg. Co.[1] (represented by firm); Boston Fruit and Produce Exchange; H. P. Hood & Sons, Inc.; Library Binding Institute.

Albert E. Sawyer. Federal Trade Commission cases: Allied Paper Mills et al.; Tag Manufacturers Institute et al.; Rubber Manufacturers Association, Inc. et al.; American Biltrite Rubber Co., Inc.

Bernard G. Segal, Schnader, Harrison, Segal & Lewis, Philadelphia, Pa. Antitrust cases: Baugh & Sons Co.; Phildaelphia Association of Linen Suppliers; Record Dealers' Association.

Herman F. Selvin. Antitrust case: Union Ice Co. (represented by firm).

Whitney North Seymour. Antitrust cases: American Can Co.; Bausch & Lomb Optical Co.; General Electric Co. (incandescent); General Electric Co. (fluorescent); Scophony Corp. of America (represented by firm); American Optical Co.; Optical Wholesaler's National Association; Permutit Co.

Morrison Shafroth. Antitrust case: Cement Institute.

William Simon. Federal Trade Commission case: Building Material Dealers Alliance et al.; Daniel A. Brennan et al.; Salt Producers Association et al.; Standard Oil Co. (Indiana) [2]; General Motors Corp. et al.

Blackwell Smith, Smith, Sargent, Domon, Hoffman & Grant Wright, Gordon, Zachry & Parlin Wright, Gordon, Zachry, Parlin & Cahill. Federal Trade Commission cases: D. 3764, Chilean Nitrate Sales Corp. et al.; D. 4610, Crouse-Hinds Co. et al.; D. 4900, American Refractories Institute et al.

Jerrold G. Van Cise. Antitrust cases: Electrical Apparatus Export Association; Hartford Empire Co.; Libby-Owens-Ford Glass Co.; Henry S. Morgan; New York Great A&P Tea Co.; Rubber Manufacturers Association, Inc. (represented by firm); Times-Picayune Publishing Co. (submitted amici curiae brief in Supreme Court) (represented by firm); General Cable Corp.; Linde Air Products Co.; Metropolitan Leather & Bindings Association, Inc.; Mortgage Conference of N. Y. Federal Trade Commission cases: Champion Spark Plug Co.; American Surgical Trade Association et al.

Curtis C. Williams, Jr. Antitrust cases: Timken Roller Bearing Co. (represented by firm); Allegheny Ludlum Steel Corp. (represented by firm); General Electric Co.; Republic Steel Corp.; Rubber Manufacturers' Association.

Law professors

Prof. Milton Handler, New York, N. Y. Antitrust case: A. B. Dick Co. (involving an investigation of a member of the liquor industry); Jack I. Levy, Sonnenchein, Berkson, Lautmann, Levenson & Morse, Chicago, Ill. Antitrust case: Uhlemann Optical Co.; American Optical Co.; Federal Trade Commission case: Independent Grocers Alliance Distribution Co. et al.

S. Chesterfield Oppenheim, cochairman (represented Burroughs Adding Machine Co. in connection with an investigation that was made of it under the antitrust laws).

Economists

Prof. Morris A. Adelman, economic department, Massachusetts Institute of Technology, Cambridge, Mass. (He wrote articles defending the position A&P took in its defense in antitrust proceedings, which articles were then distributed by A&P).

Prof. John Maurice Clark, Westport, Conn. (Was employed by the Cement Institute and in that connection assisted in preparing the

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[1] This appearance was for the purpose of service of process on the defendant only since the case was tried in Boston. A New York law firm, however, handled the case throughout.

[2] Court proceedings only.

economic defense in the Cement Institute case.)

Dean Ewald T. Grether, School of Business Administration, University of California, Berkeley 4, Calif. (Was employed by the Cement Institute to testify in its defense in the Cement Institute case.)

Prof. Clare E. Griffin, School of Business Administration, University of Michigan, Ann Arbor, Mich. (Was employed by the Cement Institute to testify in its defense in the Cement Institute case. He also was employed by the defendants to testify in their defense in the Rigid Steel Conduit case and the American Tobacco case.)

I have called attention to the fact that Morris A. Adelman was a member of the Attorney General's National Committee To Study the Antitrust Laws. Also I have referred to the fact that he received pay to produce propaganda in opposition to the application of our antitrust laws to price discrimination situations and that he wrote law-review articles which furthered that propaganda. Then it was shown how the Supreme Court cited and relied upon some of those writings by Adelman.

Also I have called attention to the fact that the Supreme Court in the case of *United States* v. *E. I. du Pont de Nemours & Co.* (351 U. S. 377 (1956)), commonly referred to as the Cellophane case, decided against applying the antitrust laws to the Du Pont Co. and in so doing cited and relied upon the report of the Attorney General's National Committee To Study the Antitrust Laws and writings by members of that group as authorities for the Court's position.

The instances I have cited are not isolated. Propaganda in the form of the report of the Attorney General's National Committee To Study the Antitrust Laws and the writings by members of that group are continuing to be cited and relied upon as "authorities" in court cases. Those who oppose the application of our antitrust laws to situations involving monopoly and monopolistic practices are making much use of such "authorities." It is for that reason that the matter appears so serious.

Hon. Thurmond Arnold, former Assistant Attorney General of the United States and a former judge of the United States court of appeals, testified before the Select Committee on Small Business of the House of Representatives October 31, 1955, concerning this matter. In that connection he stated:

> I have been arguing a case on the Robinson-Patman Act in New York, and I found the report of the Attorney General was the principal authority used against me, and the court, whether taking the report or not, instructed the jury that you could justify a price discrimination by a study made years after the discrimination was put into effect, and that part of the cost justification could be the fact that larger competitors could finance the sale of the article more easily than the smaller competitors (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, October 31, 1955, pp. 10 and 11).

The gentleman from Ohio [Mr. McCULLOCH], a member of the Select Committee on Small Business, during the course of those hearings, made some observations dealing with that subject. Those observations are quoted as follows:

> Mr. McCULLOCH. Mr. Chairman, I would like to make this fact clear. This is not the Attorney General's report, or is it? Isn't it the report of a committee to study the antitrust laws?
>
> The CHAIRMAN. That's right.
>
> Mr. McCULLOCH. It could create a false impression.
>
> Mr. ARNOLD. You could. I will change that to the Attorney General's National Committee. If I am permitted to change that in my testimony, I will (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, October 31, 1955, p. 35).
>
> Mr. McCULLOCH. It is my memory that a number of States of the Union have, down through the years, by their officials, appointed commissions to study matters of public concern with the request that the commission study those problems and make recommendations to the State officials.
>
> * * * * *
>
> Mr. McCULLOCH. That does not mean by what I have said heretofore, that I agree with the conclusions or the recommendations of the committee or any part of it. It does not mean, on the other hand, that I disagree. It does mean that if there is to be a change in the statutory law of the country, I shall expect the Attorney General of the United States to make his recommendations known in a manner that has long been established in this country.
>
> Primarily that is through communications to the Speaker of the House of Representatives and, as I said yesterday, in other instances, to the chairmen of committees responsible for legislation dealing with the question in accordance with the Reorganization Act of 1946 (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, November 2, 1955, pp. 512 and 513).

When Prof. Louis B. Schwartz was testifying before the Select Committee on Small Business, House of Representatives, October 31, 1955, the matter of the distribution of the report was brought to his attention and the gentleman from California [Mr. ROOSEVELT], a member of the committee, inquired about the possible effect the report would likely have. A portion of the transcript of the testimony dealing with that is quoted as follows:

> Mr. ROOSEVELT. Mr. Chairman, isn't it true, however, that that report will be in a lot of school libraries and will be referred to in court in many instances and will have a considerable influence?
>
> Professor SCHWARTZ. I think that is not only true, but that was in a sense the desired object.
>
> Mr. YATES. Desired object by whom?
>
> Professor SCHWARTZ. By—I am expressing my sense of how most committee members felt this report would probably work. I can't speak for them. But we were all aware that lawyers would be citing this report in their briefs, and that the real impact of this might very well be in the decisions made by courts and administrative agencies. Not many people were sanguine about getting Congress to make changes, for example, in the Robinson-Patman Act, but it was hoped that by approving certain administrative tendencies and by putting this out as a rather authoritative statement of what is, and at the same time what ought to be, a long-range influence would be had. Of course, it has already happened (transcript pp. 149 and 150).

The Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, also held hearings concerning the report of the Attorney General's National Committee To Study the Antitrust Laws. During the course of those hearings on May 16, 1955, after information had been received dealing with the propriety of the use of copies of such report in court proceedings, the gentleman from New York [Mr. KEATING], a member of the Judiciary Committee, made some observations about the matter. They are quoted as follows:

> Mr. KEATING. Well, they have no probative value, do they?
>
> Mr. McCONNELL. They didn't in this instance, but they may have in some other cases, I don't know. It depends on how much weight a court wants to give them.
>
> Mr. KEATING. Well, no court worthy of its salt would ever give any weight or cite in its opinion a recommendation of some committee which had no legal force and effect whatever.
>
> The CHAIRMAN. I think the statement of the gentleman from New York is absolutely sound, but I can prognosticate that many of the conclusions of this Attorney General's Committee are going to be cited in all manner and kinds of briefs in the future.
>
> Mr. McCONNELL. Why certainly.
>
> Mr. KEATING. In briefs? (P. 405 of the printed record of hearings before the Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, pt. I, May 16, 1955, serial No. 3.)

On Thursday, March 31, 1955, the report was released with considerable fanfare and publicity. It consisted of 393 printed pages and was made the subject of praise in speeches by Attorney General Brownell, Assistant Attorney General Stanley N. Barnes, and Prof. S. Chesterfield Oppenheim when they addressed a meeting of the antitrust section of the American Bar Association in Washington, D. C., on March 31, 1955.

Immediately thousands of copies of the report were printed at the Government Printing Office, the cost of which was borne out of funds which had been appropriated by the Congress to the Department of Justice for the use of its Antitrust Division in the enforcement of the antitrust laws. The thousands of copies thus printed were distributed widely.

Attorney General Brownell, at the suggestion of Professor Oppenheim, took steps to distribute copies of the report to every judge who would have jurisdiction over and responsible for making decisions in future antitrust cases. Likewise educational leaders who would be expected to teach what our antitrust laws are and should be were supplied with copies of the report. Officials of Government agencies who are charged with the responsibility of determining what actions should be brought under our antimonopoly laws also were supplied with copies of the report.

When one of the leading members of the Attorney General's committee was testifying in the hearings before the Select Committee on Small Business, House of Representatives, it was put to him that because of the manner in which this report had been prepared, that is, under

the auspices of the Attorney General—although he has disavowed that it represents the official views of the Department of Justice—and caused to be distributed by him to every Federal judge, it would naturally be looked upon by a judge as something pretty powerful. The member of the Attorney General's committee who was testifying replied "I hope so."

That witness was not the only member of the Attorney General's National Committee to Study the Antitrust Laws who entertained and held to the "hope" that the report of that committee would serve to influence the courts in deciding antitrust cases. Another prominent member of the Attorney General's committee, Mr. George Lamb, of Washington, D. C., was prosecuting a case in the United States Court of Appeals for the 8th Circuit—Chain Institute Inc. et al. against Federal Trade Commission, No. 14,821—in 1955 when the report of the Attorney General's National Committee to Study the Antitrust Laws was prepared. He, as a member of that committee, helped prepare the report. Then, he, as a lawyer in the case in the United States Court of Appeals for the 8th Circuit, to which reference has been made, cited and quoted the report of the Attorney General's National Committee to Study the Antitrust Laws which he had helped prepare as an "authority" to support the position he was arguing in court. He did that without informing the court that he and other writers similarly situated had prepared the "authority" upon which he was relying.

However, that effort on the part of Mr. Lamb and his law partners was not his first effort to propagandize against the application of the antitrust laws in that case. He started his propaganda when the investigation of his clients in that matter was first undertaken by the Government in 1948.

Mr. Lamb testified under oath before the Select Committee on Small Business, House of Representatives, in Washington, D. C., November 4, 1955—transcript page 904—that he and his law partners, Summer S. Kittelle and Frazer F. Hilder, collaborated and participated in the preparation of a most amazing document. That document has been referred to in the open hearings before the Select Committee on Small Business, House of Representatives, as a blueprint for lobbying and as a master plan for lobbying in the interest of propagandizing the positions held by Mr. Lamb and his law partners. According to the information elicited from Mr. Lamb, the document in question, that master plan for propagandizing his position, was prepared during the summer of 1948. In that connection he testified:

> We thought it was a very objective statement with regard to the problem involving delivered pricing methods, and I think if we had a chance to go back and look at it, I think I would still be just as proud of it today (transcript, pp. 904–905 of the record of the hearings before the Select Committee on Small Business, House of Representatives, November 4, 1955).

Mr. Lamb also testified that in preparing the master plan he talked with his clients and with other people similarly situated and that he considered the work he did in that respect would benefit them, although he received no pay for doing that work except those amounts received as fees in the cases in which he represented them as counsel.

Now what does Mr. Lamb's blueprint for lobbying or master plan for lobbying and propagandizing provide, and what are its objectives?

It is believed that one can best be informed in that respect through quotations from the contents of that document, as follows:

> SUGGESTED PROGRAM TO REESTABLISH THE LEGALITY OF DELIVERED-PRICE MARKETING METHODS
>
> In considering what should be the objective, it is wise to remember that certain things, no matter how logically they may be defended will never be politically popular because they just do not look right. One of these is the kind of so-called phantom freight which results from the Pittsburgh-plus system or from the existence of nonbasing points mills in a multiple-basing-point system. The public just will not stomach the thought of a buyer in Chicago buying from a Chicago factory and being forced to pay freight from Pittsburgh.
>
> Another thing which is politically difficult to defend is the type of zone system in which, for example, the lowest price is charged in the East, a higher price in the Middle West, a still higher price in the Far West, and a still higher price on the Pacific coast, where there are mills located in all or most of those zones. Such a system is merely a modification of Pittsburgh-plus, and will be so recognized without difficulty by the man in the street if he takes any interest in the subject at all (p. 3).
>
> * * * * *
>
> The first step in marshaling evidence is to determine what one wishes to prove. An equally important step is to determine what the opposition will seek to establish so as to be prepared to rebut it. These determinations would, of course, be made and crystallized in the trial brief to be presented to the Capehart subcommittee before the hearings.
>
> The fact that there will be bitter opposition, and the nature of such opposition, should be kept in mind at all times (p. 9).
>
> * * * * *
>
> A single-purpose organization will provide the best means of carrying the foregoing program through to a successful result. It has been seen that existing organizations such as NAM and the United States Chamber of Commerce are not in a position to undertake the stewardship of such a program, and there appears to be no other organization tailormade for the task. An organization formed for the one specific object of expressing the view of business on the delivered-pricing question and of frankly presenting business' ideas for legislation would have the advantage of singleness of purpose and a clean slate public-relationswise (p. 14).

Mr. Lamb and other counsel who joined with him on the main brief for petitioners, Chain Institute, Inc., and others, in the case to which I have referred, not only prepared that master plan for lobbying and propagandizing to relegalize the delivered pricing systems of price fixing they were defending before the court, but also moved into other active lobbying roles in that respect. They wrote law review articles which furthered their propaganda and their arguments against the application of the antitrust laws to their clients. In those writings they did not inform the courts and others to whom their arguments were directed that the writers of the arguments were partisan advocates whose clients would benefit from acceptance of the arguments.

Fortunately, the Select Committee on Small Business of the House of Representatives during the 84th Congress was able to investigate, hold hearings, and issue a report dealing with this important matter. That report was then made available to each of the judges of the Federal judiciary to whom the Attorney General of the United States had sent a copy of the report of the Attorney General's National Committee To Study the Antitrust Laws. Many of the judges who received a copy of the Small Business Committee report learned for the first time about the background, the purposes, and the nature of the propaganda of the report of the Attorney General's National Committee To Study the Antitrust Laws. Some of those judges expressed their gratitude for the action of the House Small Business Committee in advising them about the matter. The contents from one of the many letters received from the judges expressing such gratitude is quoted as follows:

> Thank you for sending me the report of your Select Committee on Small Business on Price Discrimination, the Robinson-Patman Act, and the Attorney General's National Committee To Study the Antitrust Laws.
>
> I had of course received and read the Attorney General's committee majority report and I have read with particular interest the dissenting statement or opinion of Professor Swartz.
>
> Thank you very much for affording me this privilege. I have laid your report alongside the Attorney General's report for future reference. I do not suppose it would be appropriate for me to make further comment.

Earlier, I spoke of the principle of separation of powers upon which our Government was founded. My support of that principle is well known. However, as I have pointed out, adherence to that principle does not require that the legislative branch ignore faults or needs of the judiciary. The Constitution imposes upon the legislative branch the responsibility and the duty to act when circumstances warrant for the preservation of an independent and proper functioning judiciary. Neither the independence nor a proper functioning of the judiciary can be expected if the legislative branch continues to ignore efforts of pressure groups to propagandize and mold the thinking and decisions of the judiciary. Even if the judiciary could and should undertake to move and curb writings of pressure groups designed to propagandize the judiciary, the latter would need the help of the legislative branch. That is true because unless the legislative branch should act to help protect the judiciary from such pressure groups, then the pressure groups would eventually utilize their power and influence to destroy the judiciary. We have seen pressure groups use the smear when their coaxing failed.

We have seen how some pressure groups have organized to destroy the quasi-judicial regulatory commissions when those commissions failed to "follow the line" of the pressure groups. The judiciary is the next step from the

quasi-judicial regulatory commissions. It has been noted how pressure groups with the help of the Attorney General of the United States recently made "recommendations" to the judiciary regarding the general application of laws on public policy. We do not want the pressure groups to propagandize, "stack pack," take over, or destroy either the quasi-judicial regulatory commissions or the judiciary.

It has been suggested that committees of the Congress should proceed, under their presently constituted powers, to investigate the extent and degree of participation by individuals and groups in the formation of a new body of literature upon the basis of which to propagandize the Supreme Court and to persuade that Court to rely on such literature and propaganda for its reasoning and decisions. It is my view that an investigation of that character is long overdue. I believe the record should be complete and clear concerning those who agitate and who lobby to get special consideration ex parte from the Supreme Court of the United States.

Not only has it been suggested that committees of the Congress should proceed to investigate the extent and degree of participation by individuals and groups in formulating propaganda and using it to influence the Supreme Court of the United States but also deep concern has been expressed recently about the willingness of the Supreme Court of the United States to rely upon such propaganda for its reasoning and decisions. Criticism of the Court has not stopped with that. Prominent Members of the House and the Senate have felt compelled to voice their concern about this matter. For example, Senator WATKINS, of Utah, on July 15, 1957, CONGRESSIONAL RECORD, page 11653, in addressing the Senate, stated:

> Mr. President, the recent divided Supreme Court decisions on subjects of major national concern has led to considerable public confusion and a searching new study of our highest Court and its decisions.

On the same day the gentleman from Michigan [Mr. HOFFMAN], presented a statement in which great concern was expressed about the manner in which the Supreme Court of the United States recently has undertaken to perform its functions.

On June 20, 1957, as is shown by the CONGRESSIONAL RECORD at page 9887, the gentleman from Georgia [Mr. DAVIS] addressed the House. He pointed out that for over a century and a half our Supreme Court enjoyed a public esteem and respect unsurpassed by any institution of Government but that the standards, methods, and factors used recently by the Supreme Court in arriving at its conclusions had cast the Court in a questionable light. Earlier the chairman of the Judiciary Committee of the United States Senate in the 1st session of the 84th Congress on May 26, 1955, in addressing the Senate as is shown by the CONGRESSIONAL RECORD, volume 101, part 6, pages 7119–7124, documented a charge he made to the effect that the Supreme Court of the United States had departed from approved and accepted methods and standards through its ex parte consideration and reliance upon textbooks and writings not subjected to the test of cross-examination or arguments of opposing parties during the course of hearings on the cause before the Court.

One June 11, 1956, the gentleman from New York [Mr. MULTER] in addressing the House, as is shown by the CONGRESSIONAL RECORD, volume 102, part 7, pages 10044–10045, pointed to dangers inherent in the plans and programs of partisan advocates to propagandize our courts and to influence them in weakening the application of our antitrust laws.

In conclusion, I repeat that an investigation of plans, programs, and schemes to propagandize and influence our Federal judiciary against our public policy is long overdue and should be undertaken by a special investigating committee of the Congress without further delay.

THE 1ST SESSION OF THE 85TH CONGRESS AND ITS MOST IMPORTANT ISSUE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, the virtually unprecedented public interest in the budget for fiscal year 1958 lends special significance to its designation as the most important issue of the 1st session of the 85th Congress. In considering the accomplishments of this first session, we must remember the many long hours spent on such subjects as the $71.8 billion budget, school construction assistance, civil rights, foreign aid authorization and appropriation, and the atomic-energy program for 1958.

Many issues were presented in the House of Representatives through the introduction of some 10,409 bills and resolutions. Only a few were acted upon, but the remainder will stay alive for the 2d session of the 85th Congress. Some of the major bills enacted into law were the Middle East doctrine; United States membership in the International Atomic Energy Agency; Federal housing; extension of the life of the Small Business Administration; maintaining a personnel ceiling of 2.8 million men for our Armed Forces through July 31, 1960; providing for additional military construction for the preservation and security of our Nation; extension of the authority of the Export-Import Bank to June 30, 1963; increasing the compensation for veterans with service-connected disabilities; extension of termination date of sales of surplus commodities for foreign currency and relief for disaster areas to June 30, 1958, with the limitation on sales for foreign currency increased to $4 billion and the limitation on relief for disaster areas increased to $800 million; increasing Federal participation in payments of old-age assistance, aid to the blind, dependent children and totally disabled; approving the Niagara power project; housing assistance for veterans in rural areas and small towns; compulsory inspection of poultry and poultry products; and increasing the borrowing power of the St. Lawrence Seaway Development Corporation. A number of other bills were passed which will prove beneficial to our country. The bills setting forth the budget requests for 1958 received much attention and time.

The budget message of the President for fiscal year 1958 was received by Congress on January 16, 1957. An alltime record peacetime expenditure of $71.8 billion was requested with the proposed expenditure increases distributed broadly and consisting for the most part of many small increases. Budget receipts were estimated at $73.6 billion, based partly on the assumption that surpluses would exist both in 1957 and 1958. A casual examination of this budget clearly showed that it was in precarious balance depending on postal rate increases and other anticipations, which will probably not take place plus the hope for a steadily rising income. The people generally believed this budget to be inconsistent with good government so they demanded that cuts be made, thereby stabilizing and encouraging the sound growth of our economy.

When you examine the Federal budget, you really study three budgets: the expenditure budget; the budget of new authorizations and appropriations; and the budget of unexpended balances in prior appropriations from which expenditures may be made during the coming year without any current action by Congress.

In comparing the 1958 budget with amounts approved for prior years, we find that for 1957, $60,647,000,000 was approved; for 1956, $53,124,000,000; for 1955, $47,464,000,000; for 1954, $54,539,000,000; for 1953, $75,355,000,000; for 1952, $91,059,000,000; for 1951, $84,982,000,000; and for 1950, $37,825,000,000 was approved.

Federal spending on the scale proposed would have an inflationary effect on our whole economy, and higher living costs would be inevitable. A continually rising trend in expenditures poses a great threat to the economy of this country. Our people expressed their opinion concerning this budget, and their resentment reflects the emotional antipathy toward high taxes which is so general today.

In examining this budget, we find that the Federal payroll for civilian employees, including foreign nationals, amounts to slightly over $1 billion per month. Our Government is the largest business in the world, and it requires nearly 2½ million employees to operate it. Along with our big Government, we have the largest debt in the world, $275 billion, which is more than the debts of all the other countries combined.

The budget deals in terms of billions. A billion is a formidable figure and almost beyond our comprehension. One of the fine newspapers in my district carried an editorial recently entitled "Billion Minutes Since Christ's Birth." This editorial aids in our conception of a billion by showing that if you multiply 60 minutes times 24 hours times 365 days times 1,957 years, the answer is

1,028,599,200 minutes. Should you multiply this figure by 60 to obtain the number of seconds since Christ's birth, you will find that the proposed expenditure for 1958 is still larger.

This budget estimates that the revenue will be received from these sources: 29 percent from corporation income taxes, 51 percent from individual income taxes, 12 percent from excise taxes, and 8 percent from other taxes. This budget seeks appropriations expending this revenue as follows: 59 percent for national security, 10 percent for interest, 7 percent for veterans, 7 percent for agriculture, 2 percent for debt retirement, and 15 percent for other governmental functions.

Appropriations must originate in the House. Shortly after the President's budget message was submitted, the Committee on Appropriations, of which I am a member, divided into 13 subcommittees to pass upon the requests of the different departments and agencies of our Government. Our committee is composed of 50 members, 30 Democrats and 20 Republicans, who are assigned to the following subcommittees: Agriculture and Related Agencies; Department of Defense; Commerce and Related Agencies; Foreign Operations—Foreign Aid; General Government Matters; Independent Offices; Interior and Related Agencies; Labor and Health, Education and Welfare; Public Works; Justice, State and Judiciary and Related Agencies; Treasury and Post Office; District of Columbia; and Legislative Appropriations.

The three subcommittees on which I serve are agricultural appropriations, foreign operations appropriations, and District of Columbia appropriations. We start first with agricultural appropriations and consume some 60 days in hearings. After our bill is approved by the full committee and passed in the House, it is sent to the Senate. The procedure for the District of Columbia appropriations bill and foreign operations bill follows the same pattern. Ordinarily the foreign operations bill is the last appropriations bill received by the House of Representatives before adjournment.

The main difficulty faced by the members of the Committee on Appropriations and Congress in making reductions in this budget stems from the fact that much of the money to be expended has already been provided for in authorizations and appropriations permitting the purchase of goods to be paid for on delivery and the expending of borrowed funds. Another deterrent is the fact that so many expenditures are fixed by basic law. With more than 57 percent of the 1958 spending program thus out of reach, Congress operates at a considerable handicap in trying to cut the budget.

The high level of expenditure proposed for 1958 simply means no tax reductions for our people this year. A drop of less than 2 percent in receipts would cause serious budgetary repercussions. An increase in revenue has been largely absorbed by increased spending, thus precluding both tax reductions and significant retirement of the public debt.

Our committee called upon the President, the Bureau of the Budget and heads of departments to suggest places where reductions in this record peacetime budget could be made. We proceeded with our hearings and reductions were made.

The House of Representatives so far has appropriated $56,215,000,000 for Treasury and Post Office; Interior; General Government Matters; Independent Offices; Labor, Health, Education, and Welfare; District of Columbia; Commerce; State, Justice and Judiciary; Agriculture; Legislative; Department of Defense; Public Works; Supplemental for Post Office; Supplemental for 1958 and Mutual Security. The total requests for all of these departments and items amounted to $61,416,229,615. This is a reduction on the part of the House of Representatives of $5,200,714,309 or 8.4 percent. The Second Supplemental and Deficiency Appropriations for 1957 request amounted to $55,100,000, and we reduced this 11.1 percent, appropriating $48,990,000. The Urgent Deficiency Appropriation bill requesting $327 million was approved in the House in the sum of $320,090,000 for a cut of 2.1 percent. The Third Supplemental Appropriation bill for 1957 requested $206,699,320, and the House approved $94,840,788 for a reduction of 54.1 percent.

The price of peace is high. There is no indication of immediate relaxation of international tensions between the Communist East and the Free West. None of us would jeopardize our Nation's defenses. Our defense cost this fiscal year totals $33,759,850,000, and we must expect such costs until peace prevails throughout the world. We can save some $5 to $6 billion each year on our defense expenditures when we have complete and full unification of our military services in this country. Our President is the man to bring this about. A military leader who has witnessed duplications, wastes and extravagances costing this country billions of dollars is now in a position to demand and enforce complete unification in our armed services. So far nothing has been done to unify the extravagant purchasing system of the different military arms. We must continue to eliminate nonessentials in our budgets. We can spend our country into destruction. Our use of the paring knife on this distended budget was proper in every respect.

Mr. Speaker, the budget for 1958 was the most important issue presented during the 1st session of the 85th Congress, and its reduction was our greatest achievement.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. WALTER of Pennsylvania (at the request of Mr. MCCORMACK), indefinitely, on account of illness.

Mr. PILCHER, for 10 days, on account of official business.

Mr. VINSON, for 10 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. SULLIVAN, for 40 minutes, on tomorrow.

Mr. HESELTON (at the request of Mr. MARTIN), for 30 minutes, on tomorrow.

Mr. MEADER (at the request of Mr. TABER), for 10 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KING (at the request of Mr. BARTLETT).

Mr. CEDERBERG and to include an editorial.

Mr. RHODES of Arizona and to include extraneous matter.

Mr. WESTLAND and to include extraneous matter.

Mr. MACK of Illinois and to include extraneous matter.

Mr. DINGELL (at the request of Mr. BLATNIK) and to include extraneous matter.

Mr. POWELL (at the request of Mr. BLATNIK) in three instances and to include extraneous matter.

Mr. TALLE and to include extraneous matter.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to assist the United States cotton-textile industry in regaining its equitable share of the world market; to the Committee on Agriculture.

S. 479. An act to convey right-of-way to Eagle Creek Intercommunity Water Supply Association; to the Committee on Agriculture.

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island; to the Committee on Armed Services.

S. 1040. An act to amend the acts known as the Life Insurance Act, approved June 19, 1934, and the Fire and Casualty Act, approved October 9, 1940; to the Committee on the District of Columbia.

S. 1245. An act to provide a right-of-way to the city of Alamagordo, a municipal corporation of the State of New Mexico; to the Committee on Agriculture.

S. 1294. An act for the relief of Maria del Carmen Viquera Pinar; to the Committee on the Judiciary.

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges; to the Committee on Merchant Marine and Fisheries.

S. 2042. An act to authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska–50083, and for other purposes; to the Committee on Banking and Currency.

S. 2110. An act for the relief of Shirley Leeke Kilpatrick; to the Committee on the Judiciary.

S. 2352. An act for the relief of Deanna Marie Greene (Okhe Kim); to the Committee on the Judiciary.

S. 2353. An act for the relief of Charles Frederick Canfield (Kim Yo Sep); to the Committee on the Judiciary.

S. 2488. An act for the relief of Kim, Hyun Suck; to the Committee on the Judiciary.

S. 2606. An act to amend Private Law 498, 83d Congress (68 Stat. A108), so as to permit the payment of an attorney fee; to the Committee on the Judiciary.

S. 2635. An act for the relief of Stefani Daniela and Casabianca Ambra; to the Committee on the Judiciary.

S. Con. Res. 45. Concurrent resolution authorizing the printing of additional copies of the hearings on the mutual security program for fiscal year 1958 for the use of the Committee on Foreign Relations; to the Committee on House Administration.

S. Con. Res. 47. Concurrent resolution to print additional copies of part 1 and subsequent parts of hearings entitled "Investigation of the Financial Condition of the United States," held by the Committee on Finance during the 85th Congress, 1st session; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 110. An act to amend section 372 of title 28, United States Code;

H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions;

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,477.43-acre tract of land, avigation and sewer easements in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the city of Fort Worth, Tex., to the State of Texas;

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services;

H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1324. An act for the relief of Westfeldt Bros.;

H. R. 1394. An act to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior;

H. R. 1591. An act for the relief of the Pacific Customs Brokerage Co., of Detroit, Mich.;

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman;

H. R. 1937. An act to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes;

H. R. 2136. An act to amend section 214 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas;

H. R. 3367. An act to amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors;

H. R. 3877. An act to validate a patent issued to Carl E. Robinson, of Anchor Point, Alaska, for certain land in Alaska, and for other purposes;

H. R. 4144. An act to provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general;

H. R. 4191. An act to amend section 633 of title 25, United States Code, prescribing fees of United States commissioners;

H. R. 4193. An act to amend section 1716 of title 18, United States Code, so as to conform to the act of July 14, 1956 (70 Stat. 538-540);

H. R. 4609. An act to further amend the act entitled "An act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, N. Y., to the State of New York for use as a maritime school, and for other purposes," approved September 5, 1950, as amended;

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5061. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenlieb, Joseph E. P. McCann, and Junior K. Schoolcraft;

H. R. 5810. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1954;

H. R. 5811. An act to amend subdivision b of Section 14—Discharges, When Granted—of the Bankruptcy Act, as amended, and subdivision 2 of section 58—Notices—of the Bankruptcy Act, as amended;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6172. An act for the relief of Thomas F. Milton;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 230. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 85th Congress;

H. J. Res. 313. Joint resolution designating the week of November 22–28, 1957, as National Farm-City Week; and

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission.

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1153. An act for the relief of Zdenka Sneler;

S. 1167. An act for the relief of John Nicholas Christodoulias;

S. 1175. An act for the relief of Helene Cordery Hall;

S. 1241. An act for the relief of Edward Martin Hinsberger;

S. 1290. An act for the relief of Lee-Ana Roberts;

S. 1293. An act for the relief of Eithaniahu (Elton) Yellin;

S. 1306. An act for the relief of Pao-Wei Yung;

S. 1307. An act for the relief of Toribia Basterrechea (Arrola);

S. 1308. An act for the relief of Carmen Jeanne Launois Johnson;

S. 1335. An act for the relief of Sandra Ann Scott;

S. 1370. An act for the relief of Wanda Wawrzyczek;

S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy);

S. 1421. An act for the relief of Ansis Luiz Darzins;

S. 1482. An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes;

S. 1496. An act for the relief of Nicoleta P. Pantelakis;

S. 1685. An act for the relief of Sic Gun Chau (Tse) and Hing Man Chau;

S. 1736. An act for the relief of Rosa Sigl;

S. 1767. An act for the relief of Eileen Sheila Dhanda;

S. 1783. An act for the relief of Randolph Stephan Walker;

S. 1804. An act for the relief of Marjeta Winkle Brown;

S. 1815. An act for the relief of Nicholas Dilles;

S. 1817. An act for the relief of John Panagiotou;

S. 1838. An act for the relief of Charles Douglas;

S. 1848. An act for the relief of Michelle Patricia Hill (Patricia Adachi);

S. 1896. An act for the relief of Maria West;

S. 1902. An act for the relief of Belia Rodriquez Ternoir;

S. 1910. An act for the relief of Salvatore Salerno;

S. 1962. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins chapel Methodist Church, Bowie, Md.;

S. 2003. An act for the relief of Jozice Matana Koulis and Davorko Matana Koulis;

S. 2063. An act for the relief of Guy H. Davant;

S. 2095. An act for the relief of Vaclav, Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik;

S. 2165. An act for the relief of Gertrud Mezger;

S. 2229. An act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes;

S. 2434. An act to amend the act entitled "An act to provide books for the adult blind";

S. 2438. An act to amend the District of Columbia Business Corporation Act; and

S. 2460. An act to authorize the transfer of certain housing projects to the city of Decatur, Ill., or to the Decatur Housing Authority.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on August 26, 1957,

present to the President, for his approval, bills of the House of the following titles:

H. R. 2580. An act to increase the storage capacity of the Whitney Dam and Reservoir and to make available 50,000 acre-feet of water from the reservoir for domestic and industrial use;

H. R. 2938. An act for the relief of Cooperative for American Remittances to Everywhere, Inc.;

H. R. 4336. An act for the relief of the First National Bank of Birmingham, Ala.;

H. R. 5851. An act for the relief of the legal guardian of Mrs. Mattie Jane Lawson;

H. R. 6363. An act to amend the act of May 24, 1928, providing for a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., to provide for the construction of another bridge, and for other purposes;

H. R. 7864. An act to amend the act of May 4, 1956 (70 Stat. 130), relating to the establishment of public recreational facilities in Alaska;

H. R. 8126. An act to amend section 16 (c) of the Revised Organic Act of the Virgin Islands;

H. R. 8646. An act to amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C. 486, and the following) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works;

H. R. 8679. An act to provide a 1-year extension of the program of financial assistance in the construction of schools in areas affected by Federal activities under the provisions of Public Law 815, 81st Congress;

H. R. 9023. An act to amend the act of October 31, 1949, to extend until June 30, 1960, the authority of the Surgeon General to make certain payments to Bernalillo County, N. Mex., for furnishing hospital care to certain Indians; and

H. R. 9379. An act making appropriations for the Atomic Energy Commission for the fiscal year ending June 30, 1958, and for other purposes.

ADJOURNMENT

Mr. O'HARA of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 6 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 28, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1169. A letter from the Chairman, the United States Advisory Commission on Educational Exchanges, transmitting the 18th semiannual report on the educational exchange activities for the period January 1 through June 30, 1957, pursuant to Public Law 402, 80th Congress (H. Doc. No. 236); to the Committee on Foreign Affairs and ordered to be printed.

1170. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for salaries and expenses, Bureau of Old-Age and Survivors Insurance for the fiscal year 1958, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1171. A letter from the Secretary of Defense, transmitting a report on real and personal property of the Department of Defense as of December 31, 1956, pursuant to the National Security Act of 1947, as amended; to the Committee on Armed Services.

1172. A letter from the Acting Secretary of Commerce, transmitting a report of all claims paid by the Department of Commerce during fiscal year 1957, pursuant to section 404 of the Federal Tort Claims Act (28 U. S. C. 2673); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. GREEN of Oregon: Joint Committee on the Disposition of Executive Papers. House Report No. 1260. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. COOPER: Committee on Ways and Means. H. R. 6006. A bill to amend certain provisions of the Antidumping Act, 1921, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes; with amendment (Rept. No. 1261). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H. R. 8863. A bill to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Mass., on July 18, 1957; without amendment (Rept. No. 1262). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. Report pursuant to House Resolution 94, 85th Congress, pertaining to a Special Subcommittee on Coal Research; without amendment (Rept. No. 1263). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8139. A bill for the relief of Mrs. Catherine Pochon Dike; without amendment (Rept. No. 1245). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 281. An act for the relief of Jaffa Kam; without amendment (Rept. No. 1246). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 684. An act for the relief of Ilse Striegan Bacon; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 880. An act for the relief of Necmettin Cengiz; without amendment (Rept. No. 1248). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 882. An act for the relief of Pauline Ethel Angus; without amendment (Rept. No. 1249). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1456. An act for the relief of Refugio Guerrero-Monje; without amendment (Rept. No. 1250). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1467. An act for the relief of Itsumi Kasahara; without amendment (Rept. No. 1251). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1582. An act for the relief of Helen Demouchikous; with amendment (Rept. No. 1252). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1635. An act for the relief of Maria Talioura Boisot; without amendment (Rept. No. 1253). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1636. An act for the relief of Delfina Cinco de Lopez; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1835. An act for the relief of Maria Domenica Ricci; without amendment (Rept. No. 1255). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1921. An act for the relief of Maria Goldet; without amendment (Rept. No. 1256). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2028. An act for the relief of Sherwood Lloyd Pierce; without amendment (Rept. No. 1257). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2041. An act for the relief of Sala Weissbard; without amendment (Rept. No. 1258). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2204. An act for the relief of Margaret E. Culloty; without amendment (Rept. No. 1259). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H. R. 9455. A bill to amend section 710 of the Merchant Marine Act, 1936, to require a payment bond from persons who charter certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT of Michigan:

H. R. 9456. A bill to amend title II of the Social Security Act to provide that an individual's disability insurance benefits under that title shall not be reduced because of any periodic benefits payable to him by the Veterans' Administration; to the Committee on Ways and Means.

By Mr. BOW:

H. R. 9457. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOMFIELD:

H. R. 9458. A bill to exchange certain lands in the city of Detroit, Mich.; to the Committee on Government Operations.

By Mr. BROYHILL:

H. R. 9459. A bill to amend section 1161 (b) of title 10 of the United States Code to provide that retired commissioned officers

dropped from the rolls shall not thereby forfeit their retired pay; to the Committee on Armed Services.

By Mr. SAYLOR:

H. R. 9460. A bill to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURNS of Hawaii:

H. R. 9461. A bill to amend the joint resolution of the Legislature of the Territory of Hawaii, as amended by the act of August 23, 1954, to permit the granting of patents in fee simple to certain occupiers of public lands; to the Committee on Interior and Insular Affairs.

H. R. 9462. A bill to amend the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans not exceeding $10,000 made to Hawaiian homes homesteaders by private financing institutions; to the Committee on Interior and Insular Affairs.

H. R. 9463. A bill authorizing the donation of certain surplus personal property to the Territory of Hawaii; to the Committee on Government Operations.

By Mr. BYRD:

H. R. 9464. A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department Building, and for other purposes; to the Committee on Public Works.

By Mr. CEDERBERG:

H. R. 9465. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide for retirement of certain officers and employees involuntarily separated from positions in the Canal Zone Government and the Panama Canal Company, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COFFIN:

H. R. 9466. A bill to repeal the authority of Federal Reserve banks, under section 13 (b) of the Federal Reserve Act, to make business loans, and to amend the Small Business Act of 1953 to assist State programs for small business; to the Committee on Banking and Currency.

By Mr. FORAND:

H. R. 9467. A bill to amend the Social Security Act and the Internal Revenue Code so as to increase the benefits payable under the Federal old-age, survivors, and disability insurance program, to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HALE:

H. R. 9468. A bill to provide certain assistance to State and Territorial maritime academies or colleges; to the Committee on Merchant Marine and Fisheries.

By Mr. KEARNEY:

H. R. 9469. A bill to regulate the foreign commerce of the United States by establishing quantitative restrictions on the importation of knit handwear; to the Committee on Ways and Means.

By Mr. McCARTHY:

H. R. 9470. A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department Building, and for other purposes; to the Committee on Public Works.

By Mr. PORTER:

H. R. 9471. A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner; to the Committee on Interstate and Foreign Commerce.

By Mr. REECE of Tennessee:

H. R. 9472. A bill relating to the promotion of certain officers and former officers of the Army of the United States, or of the Air Force of the United States, or of any component thereof, retired for physical disability; to the Committee on Armed Services.

By Mr. ROBESON of Virginia:

H. R. 9473. A bill to authorize the construction and sale by the Federal Maritime Board of a superliner passenger vessel equivalent to the steamship *United States;* to the Committee on Merchant Marine and Fisheries.

By Mr. SHELLEY:

H. R. 9474. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Mississippi:

H. R. 9475. A bill to terminate the authority for third-class bulk mail; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H. R. 9476. A bill to regulate the foreign commerce of the United States by establishing quantitative restrictions on the importation of knit handwear; to the Committee on Ways and Means.

By Mr. TOLLEFSON:

H. R. 9477. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMONDSON:

H. R. 9478. A bill to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 9479. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

By Mr. SAYLOR:

H. R. 9480. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:

H. R. 9481. A bill to amend the Internal Revenue Code of 1954 so as to provide accounting procedures whereby dealers in personal property may exclude from gross income amounts withheld by banks and finance companies on notes purchased from such dealers employing the accrual method of accounting; to the Committee on Ways and Means.

By Mr. FULTON:

H. R. 9482. A bill to encourage expansion of teaching and research in the education of mentally retarded children or mentally or emotionally ill children, and to encourage the development of programs of rehabilitation for such children through grants to nonprofit institutions and to State educational agencies; to the Committee on Education and Labor.

H. R. 9483. A bill relating to certain inspections and investigations in metallic and nonmetallic mines (excluding coal and lignite mines) for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes; to the Committee on Education and Labor.

H. R. 9484. A bill to establish a temporary Presidential Commission to study and report on the problems relating to blindness and the needs of blind persons, and for other purposes; to the Committee on Education and Labor.

H. R. 9485. A bill to amend the public assistance provisions of the Social Security Act to eliminate certain inequities and restrictions and permit a more effective distribution of Federal funds; to the Committee on Ways and Means.

H. R. 9486. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Education and Labor.

By Mr. BOYKIN:

H. J. Res. 452. Joint resolution to permit the utilization of existing structures on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HARDY:

H. Res. 412. Resolution to authorize the House Committee on Government Operations to conduct studies and investigations outside the United States during the 85th Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H. R. 9487. A bill for the relief of Mrs. Tyra Fenner Tynes; to the Committee on the Judiciary.

By Mr. BOW:

H. R. 9488. A bill for the relief of Stefanos Frengos; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:

H. R. 9489. A bill for the relief of Mrs. Ivy Leong Lowe; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H. R. 9490. A bill for the relief of Sidney A. Coven; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. R. 9491. A bill for the relief of Harry and Lena Stopnitsky; to the Committee on the Judiciary.

By Mr. FOGARTY:

H. R. 9492. A bill for the relief of Paula Dorian; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 9493. A bill for the relief of Meir Sutton; to the Committee on the Judiciary.

By Mr. NIMTZ:

H. R. 9494. A bill for the relief of Cecilio Williams; to the Committee on the Judiciary.

By Mr. PHILBIN (by request):

H. R. 9495. A bill for the relief of Cho Hung Choy; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 9496. A bill for the relief of Mrs. Ruth Feuer and her minor son, Ejlat Feuer; to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania:

H. R. 9497. A bill for the relief of Albert R. Sabaroff; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. R. 9498. A bill for the relief of Eduard Benc, his wife, Hilde Benc, and their minor children, Elfride, Judith, and Maria Benc; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

337. The SPEAKER presented a petition of the secretary, Sons of the American Revolution, Patrick Henry Chapter, Austin, Tex., requesting that they be placed on record as favoring legislation which will rectify the Supreme Court decision generally referred to as the Jencks case, which was referred to the Committee on the Judiciary.