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fort in the direction of operational nuclear powered aircraft would have been unthinkable.

I have no doubt that those who opposed continuation of this project were convinced that their action to strike these funds was in the best interests of the Nation's taxpayers. I feel that we have a strong responsibility to look hard at this program to evaluate its efficiency, but I also feel we have been unrealistic in our insistence on demanding to know exactly where and in exactly what fashion the nuclear plane will be used.

General Bradley, you will notice, admittedly said:

A nuclear type of plane—or something else.

It may be the something else will be more feasible. But if the nuclear type of plane does prove to be the one on which we must depend I would not dare to be on record as having held up the program to develop that plane for one day.

The record shows that this program has been one of starts and stops, of concentrations and cancellations, and Congress has not been blameless in this regard. This may have been unavoidable, but it also seems unavoidable to me now that we must maintain this project. It has been said often before, but it seems to me to have never been more appropriate, that if we must err, at least let us err on the side of strength.

In closing I would like to cite statements made by three eminent authorities on the subject of the nuclear powered aircraft.

Gen. Thomas D. White in a recent issue of the Air University Quarterly stated:

The military exploitation of airborne nuclear propulsion will provide a significant increase in our future deterrent capability, an increase which must be realized if this capability is to remain effective.

In the same issue of the Air University Quarterly, Lt. Gen. Roscoe C. Wilson, Deputy Chief of Staff, Development, USAF, in writing on aircraft nuclear propulsion, stated:

The possibility of missions of several days duration permits the effective utilization of as high as 50 percent of the force on air alert. The use of the manned nuclear bomber in a high-endurance weapons system on air alert permits flexible and positive timing, control and target assignment.

Lt. Gen. Robert M. Lee, vice commander of the Air Defense Command, in a speech before the American Ordnance Association on December 2, 1959, in New York City stated:

Long-range aircraft with great endurance are a needed element of our diversified aerospace force. Many continuing and new roles for manned aircraft can be foreseen. They may be based on airborne missile launching techniques; attack against previously unlocated, hard to locate and movable targets, reconnaissance requirements, and possible participation in local wars.

From an address from General Thomas D. White, before the Institutional USAF Conference on Air Force ROTC Affairs at Maxwell Air Force Base December 9, 1959. Speaking on the

Hound Dog and other modern air-launched missiles, General White stated:

Perhaps of more importance, such weapons when carried by our present bombers and someday by nuclear-powered aircraft of practically unlimited range and endurance will provide our country with the highest degree of flexible and mobile striking power ever achieved. Far-ranging aircraft armed with these weapons will be able to conduct patrols at hundreds of miles per hour. They would be comparable in air coverage to that of a police squad car as measured against a cop on the beat. Such forces would be virtually invulnerable to surprise attack.

From remarks by Lt. Gen. Roscoe C. Wilson, Deputy Chief of Staff, Development, USAF, before the American Ordnance Association meeting in New York City, December 2, 1959. In speaking of the atomic-powered aircraft, General Wilson stated:

This airplane is still some years in the future, but the promise of unlimited range and resulting operational flexibility keeps us extremely interested in obtaining a capability with this type of propulsion.

General Wilson in a speech before the Aviation Writers Association convention in Washington, D.C., on May 15, 1959, stated:

Nuclear power will enable us to penetrate enemy territory at low altitudes and high speeds undetected by long-range radars and thus relatively secure from interception by enemy fighters.

The Story of Chief Joseph: From Where the Sun Now Stands

EXTENSION OF REMARKS

OF

HON. WALT HORAN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 27, 1960

Mr. HORAN. Mr. Speaker, under leave to extend my own remarks in the Appendix of the RECORD, I wish to present to the readers of the CONGRESSIONAL RECORD, a story of Chief Joseph, leader of the Nez Perce Indian Tribe, one of the most remarkable Americans who ever lived.

This story, authored by my good friend, Mr. Bruce A. Wilson, editor of the Omak Chronicle, Omak, Wash., provides an excellent chronology of the last year of the Nez Perce's struggle for their hereditary freedom. Mr. Wilson's article takes exception to several long-standing assumptions regarding Chief Joseph. For instance, Mr. Wilson points out that rather than being "the Red Napoleon," noted for his military prowess, Chief Joseph was more comparable to Abraham Lincoln, a man of sound judgment and peaceful motives.

Mr. Wilson's article, which has received wide acclaim, relates that the Nez Perces were traditionally people of peace. This story tells how the tribe resisted conflict to the last until, finally, they declared war upon the "white soldiers."

It was only then that the Nez Perce proved themselves to be fighters without

equal. Only because of overwhelming numbers of soldiers and after a year of bitter fighting did the Nez Perces surrender and were sent to the Colville Indian Reservation located in the 5th Congressional District of Washington which I represent.

On September 21, 1904, Chief Joseph died at Nespalem, the headquarters of the reservation. Today, there are about 4,300 enrolled members of the Colville Confederated Tribes. The 216 Nez Perces affiliated with the Colville Tribes are not many more than the 150 Chief Joseph led to the Colville reservation 75 years ago.

The story is too lengthy for inclusion in a single copy, hence I will have it included in parts for several successive days:

THE STORY OF CHIEF JOSEPH: FROM WHERE THE SUN NOW STANDS

(By Bruce A. Wilson)

FRIDAY, OCTOBER 5, 1877

Slowly the great chieftain rides up the gentle slope. The freshly fallen snow has been painted a sullen orange by the sun low on the western horizon. Silence hangs sluggishly over the battlefield. It is broken only by the muffled beat of the pony's hoofs and the shuffling of tattered moccasins worn by four young warriors walking beside their leader's mount.

Chief Joseph wears no feathered headdress. His scalp lock is tied by otter fur. The rest of his hair hangs in two thick black braids on either side of an impassive face. A desultory wind plucks at the worn gray blanket thrown across his shoulders, and lays chilling palms on his buckskin leggings. Joseph holds a Winchester across the pommel in front of him. But this gun, after 1,300 miles, has failed him as he knew it would.

The pitiful cluster of Indians comes to a halt before an uneasy lineup of blue-uniformed officers near the crest of the hill. Heavily, Joseph swings off his pony. He pulls the blanket closer about him, steps forward, and with a sudden gesture offers his rifle to bushy bearded Gen. Oliver Howard, commander of the Department of the Columbia. Howard motions toward another man, Col. Nelson Miles, nervously stroking a thick black mustache. Joseph hands the gun to Miles.

Gray fingers of dusk slide across the snow as Joseph, shifting his blanket to leave his right arm free, turns back to Howard and speaks in the soft guttural of the Nez Perce language.

"Tell General Howard I know his heart."

Interpreting is buckskin-clad Arthur Chapman, a French halfbreed from Idaho, serving as a volunteer scout with Howard's forces.

"What he told me before I have in my heart. I am tired of fighting."

Miles fondles the rifle. Joseph speaks slowly. A young lieutenant, Charles Erskine Wood, scribbles on a paper pad as Chapman translates:

"Our chiefs are killed. Looking Glass is dead. The old men are all killed."

The last touch of sunset glows against Joseph's bronze cheeks. From ragged hills behind the officers, army campfires flicker through the twilight. Some of the Nez Perces, shivering under their tattered robes, already are drifting toward them.

"It is the young men who say no or yes. He who led the young men is dead."

This refers to Ollokot, Joseph's younger brother, who was shot while firing from behind a boulder 4 days before.

"It is cold and we have no blankets. The little children are freezing."

Joseph pauses; the interpreter falls silent. A momentary turmoil mixed of the thunder of battle, the moonlit sheen of Wallowa Lake, the heartache of surrender and the blue-lipped children grips Joseph's mind.

Many years and many miles have brought him to this place.

In the beginning, which is to say when Lewis and Clark stumbled across them on the Clearwater River the Nez Perces were a strong, handsome tribe scattered through a vast mountainous area now encompassing north central Idaho and portions of Washington and Oregon. They were a vigorous people who won the unrestrained admiration of virtually every white they met until it came time to relieve them of their lands.

Even then a majority of the Nez Perces, conditioned by more than half a century of peaceful relations with trappers and early homesteaders, accepted the boundaries of a reservation which pretty well coincided with their natural habitat. But five bands living outside the reservation, reluctant to donate their lands, became involved in war. During the explosive summer of 1877 less than 200 warriors fought four pitched battles and many lesser engagements against an aggregate of more than 1,400 regular army troops and volunteers. Burdened by their women and children, their sick and wounded, the Nez Perces retreated some 1,300 miles, constantly out-maneuvering strong combat troops, and failed by an easy 2 day's march to reach the sanctuary of Canada.

Chief Joseph was the leader of one of these bands. He was not the red-skinned military genius so frequently portrayed. Only 37 during the summer of the campaign, he shared in military councils but accepted the strategy decisions of older chiefs and of the great tribal warriors who had crossed the Bitterroots to hunt buffalo and kill Blackfeet. These were the real leaders of the Nez Perce campaign.

Though he fought as a line soldier in at least two battles, Joseph's usual role was to safeguard the village. He was a man who loved peace. Almost alone among the chiefs, he knew Indians in the end could not stand off the white armies. He was a man of dignity and wisdom beyond his years, and of compassion and a deep-rooted concern for his people. Far more comparable to Lincoln than to Napoleon, Joseph in the twilight of his life became also, historically, the most famous person ever to reside in Okanogan County. That is why we have written this story.

The trail which led Joseph to his surrender near Montana's Bear Paw Mountains began in the Wallows of northeastern Oregon. The Wallows are as beautiful a country as any on earth. Had you approached them from the north, anytime before highways and fences slashed up the landscape, you would have passed through a sweeping ocean of gently rolling bunchgrass which, to the south, seemed to wash against a long, low, black ridge. As you drew closer, the ridge would appear to spring alive. Forested hillsides would leap above the plain. Still higher, sweeping slide areas flanked by granite outcroppings would rise to meet the snow-fringed summit lines of the Wallowa mountains. As you reached their base, a lake would spring out to meet you, its green waters curving gently from the last of the rolling bunchgrass into the sharply rising slopes of the mountains. Within the Wallows' jumbled battlements, sunlit streams cascaded then as now across grassy slopes to slip into the shadows of pine and tamarack forests.

Here in a veritable paradise lived Old Chief Joseph, young Joseph's father, and his band of Nez Perces, perhaps 60 adult men who with their women and children numbered something less than 300. In

spring, summer, and fall their buffalo-skin tepees could be found clustered along the lake shores or pitched on higher slopes. Their thousands of horses, representing the band's wealth, grazed through the luxuriant bunchgrass. Squaws gathered the sweet root of camas, and aiseith, spatiam, poh-poh and mesini. They filled skinbags with berries in the fall and smoked venison and salmon, continually hoarding foodstuffs for the winter they would spend in the low, sheltered valley of the Imnaha.

The older boys and men tended and broke their speckled, white-rumped ponies. They hunted and fished, splashed in the lake, and kept an eye on their beef cattle. Occasionally some of old Joseph's band joined other Nez Perces in crossing Lolo Pass for buffalo hunting in the Yellowstone River country of Montana. While the Nez Perces lived in peace with their close neighbors, the Montana forays usually inspired entanglements with the Blackfeet or Crows, or allied with the Crows against the Snakes or Sioux. Except for the Comanches, the lithe, wonderfully-mounted Nez Perces had no equals as warriors among all the Indians of North America. Stripped to breechcloths and moccasins, they fought splendidly with bows and arrows, knives, lances, and rawhide shields, rocks tied to the end of wooden warclubs, and a scattering of flintlock rifles.

Early in the last century the first of the fur traders drifted into the northwest. But the Nez Perces, having open-handedly welcomed the Lewis and Clark expedition as it stumbled on half-rations out of the rocky fastness of the Bitterroots, continued to greet whites with an unconcerned good will. In 1837 they gave a tumultuous welcome to tall, dour Henry Spaulding, a Presbyterian missionary who settled at Lapwai in central Idaho.

Hundreds of Nez Perces stumbled over each other in a wild rush to embrace Christianity. They did this with no thought of purifying their souls, but because it seemed sensible that adopting the white man's religion was step No. 1 toward benefiting from his other virtues—namely, beads, cloth, iron cooking utensils, matches, and repeating Winchesters. Before long perhaps two-thirds of the Nez Perces sketchily professed themselves to be Presbyterians. Old Joseph was one of Spaulding's first converts.

By the middle 1850's the scattering of fur traders had been succeeded by a swelling torrent of farmers, miners and tradesmen. Settlements blossomed into small cities. Newly created Washington Territory sprawled from Puget Sound to the Rockies. Its first Governor, flamboyant Isaac Stevens, promptly set about clarifying relations between Indians and purposeful whites who wanted the same land. After a whirlwind round of treaty-making with coastal Indians, he headed in late-May of 1855 for the lush meadows where Walla Walla now stands to settle with the interior tribes.

The first natives to arrive at Stevens' council were the Nez Perce—2,000 warriors, naked, plumed and painted, flashing their shields and chanting their songs, sweeping into the meadows astride belled and beaded horses smeared with vermilion and white clay. The white stared awesomely at these fabled mountain tribesmen, the most powerful nation in the northwest. Soon their conical tepees sprang up among clumps of cottonwood. Later the Cayuses, Walla Wallas, Umatillas and Yakimas rode in. Spouting oratory on every hand, the conference began.

Stevens wanted the Indians to sell part of their lands to the U.S. Government. The rest would be set aside as reservations. Often condemned as robbery, reservations actually were the only answer to an intolerable situation which saw the Indians' roving

hunting economy usurp too much land in the face of pressures from a stronger agricultural society. Misunderstanding, corrupt agents, and whites unwilling to wait were to cause most of the trouble.

The misunderstanding began immediately. The Indians could not conceive of selling land like a bolt of calico. No one owned earth. It was provided to live on. When man died, he relinquished its use. The parley soon slipped into an empty-worded abyss:

General Palmer, Oregon Indian commissioner: "Why do we offer so much for your land? Because our Great Father told us to take care of his red people."

Young Chief, of the Cayuses: "I wonder if the earth is listening to what is said."

Palmer: "Your people have sometimes done wrong. Our hearts have cried. But if you will try to do right we will try to forget, etc., etc."

Owhi, Umatilla chief: "Shall I give the land which is a part of my body and leave myself poor and destitute, etc., etc."

At length Stevens induced a number of chiefs to sign his treaty. A tremendous area from the Bitterroots to the Wallows was set aside as a Nez Perce reservation. Since his homeland was included, Old Joseph signed. For the rest of the land, Stevens promised annuities of about 10 cents an acre. Congress ratified the treaty but failed to appropriate funds. Anyway, the peacemaking had come too late. Irritations between Indians and whites increased. Three months after the Walla Walla parley, the Northwest was aflame with Indian war. After bitter fighting, the military's better organization and longer range rifles crushed the revolting natives. Among the treaty tribes, only the Nez Perces refused to take up arms against the whites. This was because of their traditional friendship and (more important) because their lands were as yet unmolested. But it meant that in the end, they would have to fight alone.

The beginning of the end occurred one sweltering afternoon in the summer of 1860 when a white man, sneaking into the Nez Perce Reservation, panned colors from "Oro Fino" creek. As though a dam had burst, miners poured into the Snake River country. Lewiston sprang up with a brawling population of 1,200. At about the same time, the first few settlers drifted into the Wallows. Responsive politicians saw immediately the Nez Perce Reservation was far too large. In 1863 a second council was called at Lapwai.

By now the great Nez Perce Nation was sharply divided. About a third, led by a chief named Lawyer, were willing to deal with the Government because they already lived within the smaller reservation now proposed—an area in north central Idaho less than one-sixth the size of the 1855 reserve. Most of them were Christians. The rest of the Nez Perces would have to leave their ancestral homes. Moreover, many of them had become "Dreamers"—adherents to a newly sprung religion based on a mystic spiritual fusion with the soil. More violent tenants foresaw cataclysmic eruptions and an overwhelming resurrection of all dead Indians combining to wipe out the whites and restore all lands to their native owners.

At Lapwai the Dreamer chiefs, one by one, refused to surrender their homes. Old Joseph, who thought in 1855 he had saved his million high grassy acres forever, refused in time even to listen to the white commissioners. He had abandoned Christianity. With his heir-apparent, Young Joseph, now a strapping 23, he led his band back to the Wallows even as Lawyer, promised \$1,500 and a framehouse, approved the reduced reservation on behalf of all the Nez Perces. This procedure, as even the whites understood by now, was poppycock. Each Nez Perce band was entirely independ-

ent. One Nez Perce chief could no more sign away another's land than he could sell horses owned by Modocs in southern Oregon.

So a decade passed. Old Joseph's band continued living in its mountain paradise, the young braves racing their ponies along the shores of Wallowas Lake within sight of the closest white stockmen. In 1873 President Grant agreed the Indians had never relinquished title to the Wallowas. He set them aside as hunting grounds for the "roaming Nez Perce." Two years later he corrected this mistake. The Wallowas again were opened to entry.

Friction increased between the Joseph band and the settlers whose outraged protests had clarified the President's thinking. Perhaps 20 or 30 Indians were murdered by whites. Not once did the Nez Perces retaliate. Old Joseph had died in 1872; his son, becoming chief, knew white juries would laugh at Indians seeking justice in court. Night raids outside the law promptly would bring in troops to deprive the band of what few rights it had left.

In November 1876, the younger Joseph was summoned to confer with a five-man commission at the Lapwai agency. Only 5 months previously Custer's command had been wiped out at the Little Big Horn. Settlers' greed for Indian land and their fear of bloody reprisals had boiled into a pressure even the most understanding white officials could not withstand. After hearing Joseph's dignified oratory the commission recommended that all the nontreaty bands (those which had not signed the treaty of 1863) be removed, by force if necessary, to the reduced reservation.

The following spring, most of these bands were called again to Lapwai. They found the Army had taken over negotiations previously handled by the Indian Bureau. In charge of getting things done was a high-ranking Civil War veteran, Gen. Oliver Howard, who had lost his right arm at Four Oaks. Howard was a man who attracted both derision and respect by studying his Bible under a sputtering candle until late at night in his campaign tent. Now he made it clear the Great White Father's patience had drained away. All of the Nez Perces would have to move onto the reservation. Somewhat surprisingly, the nontreaty chiefs gave in. They loved their homelands. But even more they disliked the idea of becoming involved in a full-scale war against white armies.

The chiefs rode about the Idaho reservation, selecting sites, and just before leaving were stunned by an order to return on a permanent basis within 30 days. To Joseph, who had the largest herds to round up and the longest distance to travel, this came as a particular shock.

Some of the younger orators in Joseph's band urged resistance. But their troubled leaders saw no course except bowing to the inevitable. For the last time his braves rode through their beloved Wallowas, from the glacial valleys below Eagle Cap to the sheltered breaks of the Grand Ronde and Innaha, searching for horses and cattle. They had time to collect only a fragment of their herds. Whites helped themselves to the rest. Dozens of horses and virtually all the remaining beef cattle were drowned as the band struggled across the rushing brown torrent of the Snake River at the peak of its springtime fury.

Only a day or two before Howard's deadline, Joseph's village joined several other nontreaty bands just outside the reservation boundary. Resentment was running high. Younger braves talked openly of war. But most of the chiefs would have none of it. "In a day or two," they said, "we will move into our new homes."

But first, Wahlitits of White Bird's band had a score to settle. Three years earlier a white settler had shot his father in an argument over land. Now, on the morning of

June 13, 1877, Wahlitits and two companions slipped out of camp to avenge the murder. The suspect was not at home. The three braves, bearing the destiny of 700 Nez Perces, rode about much of the day. That evening they approached a Salmon River cabin occupied by Richard Divine, an elderly farmer who also had killed a Nez Perce, and frequently sicked his vicious dogs on others. The Indians shot Divine. A few hours later they ambushed three whites wondering whose horses had suddenly appeared in their hayfield.

As soon as word of all this reached the Nez Perce camp, 16 more braves hungry for revenge boiled out to join the original 3. The party killed a few whites, then found some whisky and got rough. They killed more whites, raped several women, plundered some stores, and finally hammered victoriously back into camp. Joseph had been butchering beef across the Snake. He was back now, but too late. All the chiefs knew their self-appointed task force had gone too far. Soon troops would arrive to punish the entire tribe. In fear and confusion, the nontreaty Nez Perces turned away from the reservation, moving south to pitch their tepees not far from the Salmon River at White Bird Canyon.

Meanwhile, stark terror gripped the white settlements in central Idaho. The slightest cloud of dust might be raised by Indian war ponies. Farms by the score were abandoned. As refugees whipped their mules into barricaded towns. James W. Poe, of Mount Idaho, wrote the Governor of Idaho that two or three hundred Indians were continuing their bloody raids. J. P. Vilmar, of Lewiston, informed the mayor of Portland: "They have massacred 30 or 40 men, women, and children; for humanity's sake * * * send arms with ammunition."

While actually 19 Indians had claimed about 16 victims, the letter-writers' wild-eyed excitement was matched by General Howard's cool underestimate of the situation as from Lapwai he dispatched Capt. David Perry with 99 cavalymen to deal with the outbreak, and informed his superior: "Think we shall make short work of it."

Alexander Miller

EXTENSION OF REMARKS

OF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 1960

Mr. GUBSER. Mr. Speaker, Stanford University and the Nation has lost one of the great theologians in contemporary America in the death of Prof. Alexander Miller at the age of 51. He was greatly loved in the Stanford community and throughout the Nation. As President J. E. Wallace Sterling, of Stanford, said:

His scholarship was of high quality, his interest in undergraduate education and in the lives of the students was lively and constructive. His sympathy for his fellow man was ready and warm. His resources of friendship were abundant and were brightened by gifts of wit and speech.

Under leave to extend my remarks I submit herewith an editorial from the Stanford Daily:

ALEXANDER MILLER

It is difficult to write a tribute befitting Alexander Miller, for one does not know where to begin. His life was filled with an

eager interest in students, a constant striving for academic knowledge, a heartfelt desire to make friends and a clear devotion to his faith.

His many friends and acquaintances at Stanford and all over the world will retain a warm memory of a man whose life was well spent and intelligently directed.

President Wallace Sterling has expressed an extremely appropriate encomium to Alexander Miller:

"His contributions to the Stanford community were manifold. His scholarship was of high quality, his interest in undergraduate education and in the lives of the students was lively and constructive. His sympathy for his fellow man was ready and warm. His resources of friendship were abundant and were brightened by gifts of wit and speech. Stanford's strength as a university has been diminished by his passing. Stanford men and women have suffered a personal loss."

Observance of Armed Forces Day

EXTENSION OF REMARKS

OF

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 1960

Mr. CHAMBERLAIN. Mr. Speaker, the 11th observance of Armed Forces Day was recently celebrated here in the United States and people throughout the country were given an opportunity to visit many of our military bases and view our highly trained military personnel. I feel we in America can be justly proud of the men and women serving in our armed services and in this respect I wish to include an appropriate editorial which appeared recently in the Flint Journal entitled "Observe Armed Forces Day by Resolving To Keep Faith." The article follows:

OBSERVE ARMED FORCES DAY BY RESOLVING TO KEEP FAITH

Saturday is Armed Forces Day, a time to pause to remember the many Americans who have died in war and the many who today are serving in uniform to help make sure their lives were not given in vain.

Most of us find it difficult to realize that 15 years have passed since the World War II shooting stopped in Europe.

We are now farther from that fighting than older Americans were from World War I when Franklin D. Roosevelt first took office as President in March 1933.

There are some 40 million more Americans than there were on VE-day in 1945. In many places the face of the Nation has almost been made over. Millions of new homes stretch the limits of our urban areas to constantly wider dimensions. Factories have expanded and new businesses mushroomed.

At the end of World War II, only 22 million passenger cars traveled our streets and highways. Today the total is close to 57 million and our country is crisscrossed with an ever-growing network of superhighways.

All of this growth and development has brought with it new economic, social, and political problems. We grow unevenly and lag is apparent in many essentials such as schools, sanitation, roads, housing, and hospitals. Crime besets us in frightening volume.

But looming larger than all of these things on this Armed Forces Day is the tragic fact that we have not realized the

kind of peace we thought we earned in World War II. While we are not engaged in a shooting war, we live in constant fear of one. In 1945 we talked hopefully of going back to 20 billion dollar budgets, but today our national defense budget alone costs 41 billion yearly.

In major areas we do not even have peace treaties, and in some cases where we do they have not been honored.

We and the Russians, our World War II allies, stand opposite each other building the weapons of disaster for all mankind. Never have our two countries been at such odds. Seldom in the last 15 years has the threat of war hung so heavily over our heads as it has this week.

This does not call for pessimism and despair. Rather it is time to take a realistic look at our position as the leader of free peoples everywhere and to pledge ourselves to an even more determined effort to preserve that freedom wherever it exists.

We must continue to strive for a peaceful settlement of our differences. The alternative is too grim to do otherwise. But we have a sacred trust to insist upon an honorable peace that insures freedom as we know it.

In World War II we crushed tyrants and militarists in Germany, Italy and Japan. But into the European vacuum left by the German-Italian collapse rushed the Soviet Union. And in Asia, Red China fashioned another totalitarian triumph from the raw materials of corruption and human discontent.

The war that was fought to save freedom did indeed preserve it here and in many other places. Yet 15 years afterward, half the world's population moves in bondage behind the iron barriers of communism.

The 400,000 Americans who died in World War II did not die in vain. But every American today, from the President to the youngest citizen, must work with energy and purpose to assure that we survive a greater threat than the one they put down with their lives.

To this end should we dedicate ourselves this Armed Forces Day.

Long Beach Federal Savings & Loan Association Versus the Home Loan Bank Board

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 1960

Mr. HOSMER. Mr. Speaker, I call attention to a bitter struggle that has been going on in my constituency for some 14 years between the Federal Home Loan Bank Board and the Long Beach Federal Savings & Loan Association. The matter has received widespread local publicity. It has caused constituents of mine who have confidence in the local institution and its management, as well as the general public, considerable worry and annoyance. Certainly, a controversy carried on this long, and in the manner in which it has been conducted, does not reflect credit on the Federal agency involved.

For the second time in 14 years this savings firm has been seized by action of the Home Loan Bank Board. The first seizure was condemned by a congressional committee as a "vicious abuse of power" and 20 months later, after changes in the Bank Board, the association was returned to its local management. However, many outstanding issues created by the original seizure have never been settled. They have dragged through the courts for years at great litigation expense and continued uncertainty. If anything, this course of events has compounded rather than clarified the situation.

A feeling has generated that the Board's recent reseizure of the institution stems more than anything else from a continuously increasing hostility by Bank Board personnel growing out of frustrations stemming from repeated setbacks by rulings of the courts. The reasons given by the Bank Board supporting exercise of emergency powers to seize the institution for the second time appear to bear out such an assessment of its actions. These allegations, some 17 in number, were each matters which, if the Board were on its toes, doing its job, would have been corrected administratively in regular course rather than being allowed to accumulate. The fact that such regular action in due course was not taken by the Board lends credence to the association management's contentions that there is nothing to them and that it is being subjected to harassment. Whatever the actual situation may turn out to be, the Board cannot escape responsibility either for nonaction when it should have been acting, or for acting in an emergency way when it had no cause for so doing.

Currently the association's management is in court seeking to force the Home Loan Bank Board to bond the supervisory representative it placed in the institution in an amount reasonable to the value of the assets involved in the seizure. In ruling on a question of who should be of counsel in the case, California Superior Court Judge John F. McCarthy made the following philosophical observation:

The court is a representative of our way of life in a very real sense. It is the means whereby our Constitution and our laws of all kinds are enforced. They are enforced as against individuals. They are enforced as against the public and all agencies of the public. In other words, whatever the law is, it is the duty of the court to enforce it, and that it must do impartially and as accurately as possible, of course. The courts are entitled to respect only if they see to it that the law is enforced and that the founts of justice aren't corrupted.

Now, I think that the other branches of government have a duty of fairness, obeying the law, and seeing to it that our laws are not violated or evaded. I don't think that any public organization should ever place itself in the position so that its motives can be subject to any criticism, and the courts should be in the same position.

The following story in the Long Beach Independent newspaper for May 19 explains the question as to who should

properly be of counsel in the case that was under consideration, together with Judge McCarthy's ruling on it against the Home Loan Bank Board and favoring the association's deposed management:

SEIZED L. B. FEDERAL SAVINGS WINS STATE COURT SKIRMISH—JUDGE RULES FIRED COUNSEL STILL ON JOB

(By Don Maddock)

An alleged attempt by Federal agencies to control both sides of long-standing multi-million-dollar litigation involving Long Beach Federal Savings & Loan Association was blocked in superior court Wednesday.

Judge John F. McCarthy ordered C. E. Ault, supervisory representative in charge of the firm since it was seized April 22, made a party to the litigation, and also refused to exclude attorney Charles K. Chapman from representing the firm, although he was fired by Ault April 29.

"It seems perfectly clear to me that the Federal Home Loan Bank Board has the power to completely dominate activities of the San Francisco Home Loan Bank (plaintiff in the lawsuit involved) and also those of Mr. Ault," Judge McCarthy observed.

"I am not ascribing to the board or San Francisco bank any improper motives. However, both of them are public bodies, and should conduct themselves in a manner that their motive cannot be subject to any just criticism."

Judge McCarthy ordered Ault included both as a codefendant in the San Francisco bank's action against the local firm, and as a cross-defendant in Long Beach Federal's counter-action.

Chapman sought the order. Atty. Sylvester Hoffman, representing the San Francisco bank, answered that Chapman had no standing to make the motion.

Hoffman pointed out that Ault has succeeded to all powers of officers and managers of the local firm, and that Ault had dismissed Chapman.

"There are a few technical reasons why this relief should be denied," Judge McCarthy answered.

"But in court the skids are not supposed to be greased. Both sides are entitled to have their cases presented.

"If there is a good defense (by the local firm) and because of this seizure this defense is not urged, would it not be a fraud on the court?"

"Inherent powers of the court to see that every party has his day in court demand that Mr. Ault be brought in, and demand that something be done to see that merits of the cross-complaint (filed by Long Beach Federal) are fully and vigorously presented.

"The bank board should not be placed in the position of telling the association it may not act, and then refusing to act itself.

"This ruling is not an accusation of any kind, but the case poses a situation which should not exist.

"It comes a little too close to a case of a plaintiff suing himself. I think it is the duty of this court to see that no such possibility shall exist, whether the threat be real or not."

The San Francisco bank mainly seeks confirmation of its foreclosure of about \$7 million in Government bonds, matured interest coupons and cash of the Long Beach firm.

The association, in return, seeks redemption from the foreclosure and damages, totaling about \$10 million.

The dispute arose after the bank board, in 1946, appointed a conservator for the local firm.

Notes he signed in the local firm's name, and its bonds, deposited with the San Francisco bank as security were bases of the counterclaims.