would either be flooded with anguished demands for an extention of time, or many of the dyes would then go off the market because the cost of proving their safety was too high. I for one would be willing to give the Food and Drug Administration the funds to do this testing itself—under the present law.

BROADEN SCOPE OF HEARINGS

I realize, Mr. Chairman, that I am not helping the committee very much if all I do in testifying here is to say "take it easy." I know you have a problem to contend with and many pressures upon the committee to act quickly. Therefore, I think it would be constructive to make this suggestion.

Broaden your hearings and your studies to include not just this one question of coal tar colors and other color additives but to include all of the aspects of the Food, Drug and Cosmetics Act. It is time for that kind of look at the overall picture. In the past 6 months or so we have had one explosion after another over phases of the law and its operation—cranberries, stilbestrol in chickens, the lipstick crisis, the food additive clearances, and so on. I think tremendous progress has been made in alerting the general public to some of the issues involved in food, drug, and cosmetics legislation, and that this is an excellent time to take a good, hard look at the basic law and its patchwork amendments and to undertake a tightening of many of their provisions. This would, of course, carry some dangers with it—the danger perhaps that groups which have suffered economically from operation of some of the consumer-protections of the law would attempt to use such hearings and any new legislation as a means for weakening rather than strengthening the law. But I don't think they could succeed—certainly not if all of us who are deeply concerned about this problem are willing to fight off the pressures to weaken the law.

And the end result could well be a general strengthening of the law—so that the Government, for instance, would no longer have to rely on voluntary agreement in the poultry industry to take stilbestrol out of poultry feed; so that, for instance, cosmetics which are now in the twilight zone of Governmental protection can be put under the same stringent tests for safety as our food additives must now pass; so that other loopholes in the law may also be closed.

WE NEED PRETESTING OF COSMETICS

I think color additives legislation in the context of that kind of approach would be far better legislation than either of the bills now before you. For such an omnibus approach would permit you to eliminate the loopholes in the 1938 law under the new drug sanction and the similar loophole in the 1958 amendments which requires FDA to prove the harmfulness of any additive which had previously been sanctioned for use by a governmental agency. Secretary Flemming in his testimony referred to the stilbestrol problem and the unfairness, as well as the danger to the public, of these so-called "grandfather's clauses" covering chemicals once approved and thereafter protected against delisting until the Government can definitely prove their harmfulness.

In the field of cosmetics, the law is hopelessly obsolete. The Government at present cannot move against a suspect cosmetics item until it has proof of the product's harmfulness. My bill, H.R. 1360, and a similar bill by Congressman DELANEY, would provide the same consumer safeguards on ingredients in cosmetics that the food additives amendments of 1958 provided in connection with the use of chemicals in food. These cosmetics bills have been pending before you for some years, without any action or even hearings. I think this is the year and this is the time—in connection with the color additives bills—to take up this closely related subject of safe cosmetics.

The color additives bill makes it imperative that we do so. For the color additives bill would not only change the basis under which coal-tar colors could be used in cosmetics. It would also establish, for the first time, a basis for clearing in advance the safety of non-coal-tar colors used in cosmetics. That would be helpful. But what of all of the other ingredients in cosmetics? If we are going to require manufacturers to prove the safety of their non-coal-tar color additives in cosmetics, why not in the same legislation and at the same time and under the same standards require the manufacturer to establish the safety of all ingredients in his cosmetics product?

At present, as you know, enough women must be harmed by a new cosmetic item to alert the Food and Drug Administration into looking into the matter; then the FDA must prove the product harmful in order to remove it from the market. I receive letters from women from all over the country complaining about various cosmetics they have used—shampoos or wave set products they claim have caused them to lose their hair, polishes which set up allergic reactions, lotions and creams and powders and lipsticks and deodorants and whatnot which caused embarrassment, discomfort, or pain. I usually pass these complaints along to FDA and sometimes they find the product involved warrants a fullscale investigation and other times they will report merely that the reaction was probably a rare allergic one.

WOMEN WANT SAFE LIPSTICKS

But if a woman is allergic, the label on a cosmetics item tells her nothing. She has to learn the hard—and painful—way.

Speaking as a woman as well as in my capacity as a Member of Congress, I urge you, Mr. Chairman, to go slow on this color additives bill and to enlarge the scope of your hearings to include all issues involved at present in the Food, Drug, and Cosmetics Act. As a woman, I am aware of the fact that some of our favorite lipstick shades may soon be off the market unless this color additives bill is passed quickly. But I am not convinced we would be doing the women of this country any favor at all to assure them the continued availability of lipstick shades which are not safe to use. True, it is claimed we don't swallow our lipstick. But I think the people who make that claim don't use the stuff themselves.

We like the bright and light shades but if they cannot safely be produced, then we prefer to do without these particular shades. In any event, I am sure the cosmetics industry is resourceful enough—it is an extremely resourceful industry—often too much so—but I am sure it is resourceful enough to find substitute colors if it has to. And I think every woman would agree that rather than use unsafe coloring matter, we would be quite happy to settle for a darker shade if necessary, just so long as we could be completely assured it was safe.

I don't think, under this proposed legislation, that any such flat and unequivocal guarantee of safety could be made about any coal-tar color for which a tolerance had to be set. I will not and cannot argue with the scientists on that, but it is my personal opinion—if a coal-tar color is unsafe in any quantity, no matter how large, my feeling is it should not be used at all in foods, drugs, or cosmetics.

If, on the other hand, legislation is absolutely necessary to clear up some of the confusion in the color additives field, then I urge that it be done only as part of an omnibus bill closing all loopholes in present law and including comprehensive safe cosmetics legislation.

SENATE

THURSDAY, JANUARY 28, 1960

(Legislative day of Wednesday, January 27, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

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

Our Father God, in this hour of the world's deep distress we turn to Thee, mindful of our insufficiency. We are but broken reeds, lashed by wild winds that mock our boasting pride uttered in days of calm.

Thine alone, O Lord, is the greatness, and the power, and the glory, and the victory.

In this new decade of human destiny deepen in us the sense of surpassing opportunity and of glorious mission to do our full part in averting a global catastrophe as our willful world is given this one last chance.

Hear our prayer: America, America, God mend thine every flaw.

Send us forth to waiting tasks conscious of a great heritage worth living for and dying for, and with a deathless cause that no weapon that has been formed can defeat.

We ask it in that Name that is above every name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 27, 1960, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

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

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

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to express the hope that Senators will be in attendance on the session of the Senate today, in order that we may finish the pending legislation this evening, if at all possible. I am prepared to stay as late as necessary if it seems possible to pass the joint resolution today. If that is not possible, we certainly hope to conclude action on it this week.

Several other bills have been announced as having been cleared by the policy committee. We will have another meeting of the committee in the early part of next week. We expect to follow action on the bills which have already

been cleared with the school construction bill. We consider the school question to be one of the most important issues facing the Nation, and we expect some extended debate in connection with it. It is necessary for us to conclude action on that bill, if at all possible, before we take up the discussion of the civil rights bill, which we have planned for February 15. I hope that all Senators may arrange their schedules so they can be in attendance during this period.

Several civil rights bills have been pending before the committees for some time. We have had something like a deluge of them in the last few days. The distinguished dean of Southern Methodist University, Dean Storey, in behalf of the Chairman of the President's Civil Rights Commission, has made recommendations regarding registrars, and has presented that program to the committee.

The distinguished Attorney General, presumably speaking for the President, has suggested a referee plan.

I am very hopeful that these new proposals, and any other proposals Senators may have in mind, can be carefully considered by the committee so that appropriate recommendations can be made to the Senate before the Senate is called upon to act in the matter.

In any event, we have given our word on the matter, and we want Senators to plan their schedules so they can be available to discuss civil rights beginning February 15 until the debate is concluded. Between now and then we will have for consideration the pending joint resolution and the other bills which have been cleared by the policy committee, including a very major measure, the school bill.

Mr. CASE of South Dakota and Mr. MANSFIELD addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, I yield first to the acting minority leader [Mr. CASE] and then I shall yield to the Senator from Montana.

Mr. CASE of South Dakota. I am sure the Senators on this side of the aisle will want to cooperate to the fullest in maintaining the schedule which the majority leader has suggested.

Mr. JOHNSON of Texas. I will say to the Senator from South Dakota I have never, in the 10 years I have occupied a leadership position, found it difficult to get the cooperation of the minority.

Mr. CASE of South Dakota. I wish to make the observation, with respect to this evening, that I am sure the majority leader has in mind that this is the night when the women's auxiliaries of the American Legion and Veterans of Foreign Wars have their receptions and dinners, in connection with which many Senators have made some plans.

Mr. JOHNSON of Texas. There is hardly an evening when we do not have very important dinners to attend.

Mr. CASE of South Dakota. I mention this only in connection with the plan for today, and to express the hope that the joint resolution before the Senate may be expeditiously considered.

Mr. JOHNSON of Texas. I know my friend will cooperate in trying to get the matter to an early vote. We had a problem. Yesterday was Eisenhower Day throughout the land, and we could not get any votes on the pending resolution because I desired to cooperate with my friends of the minority, as they so generously cooperate with us from time to time.

Before the smoke has cleared away from the Eisenhower Day celebrations across the country Senators will be ready to leave for Lincoln Day ceremonies. February 12 is Lincoln's birthday. Senators will leave on the 7th and will not get back until the following Monday.

If we are to face up to the problems which must be solved, and if the Congress is to make the record all of us desire it to make, we are going to have to act on a school bill, on the poll tax amendment, on the civil rights bill, on the housing bill, and on a number of pieces of comprehensive legislation, in addition to the regular appropriation bills.

So I hope the activities on the dinner circuit will not interfere with too many Senators' attendance, because there is not an evening we do not have a dinner to attend, and I do not like to distinguish between which one is minor and which one is major.

Mr. CASE of South Dakota. I recognize that what the Senator has said is accurate, but in light of his statement, I thought we ought to try to expedite consideration of the pending proposal. Many Senators have commitments with respect to the annual dinners, and I thought we might help in getting expeditious consideration of the pending joint resolution during the day.

Mr. JOHNSON of Texas. I cannot do anything about Senators' commitments. I desire to expedite action on the pending joint resolution today, and I shall try to do so. I hope we can finish action on the measure. I should like to finish by about 5 o'clock. But I think Senators who make commitments up to February 7 and after February 12 ought to realize what I have said the minority leader and majority leader have agreed to. We are going to do everything we can within our control to see that we get through our business here in time for the conventions. In order to do that, we will have to come in early and stay late. That means that some Senators will have to miss dinner engagements. I went to a very important dinner night before last honoring the Senator from Rhode Island [Mr. GREEN]. I could not leave my office until 8 o'clock and the guests at the dinner were seated at 8 o'clock. A similar situation often exists with other Senators. Sometimes I have to leave those dinners and return to the Senate.

I hope the Senate will not stop and the clock will not be turned back because Senators have important dinner engagements. When we get to the civil rights debate we may have to watch our breakfast engagements, too.

I now yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I wanted to ask the majority leader if it is the intention of the leadership to bring up the school aid bill immediately following the disposition of the joint resolution which is now before the Senate.

Mr. JOHNSON of Texas. No; I would not want to be committed to or prohibited from taking up a number of bills which have been cleared and are on the calendar. I expect to call up several bills. I expect the school bill to be one of the major pieces of legislation considered this year, and I want to take it up as soon as I can following the disposition of the pending joint resolution. But there will be other bills sandwiched in between. I hope we can get the school bill acted upon before February 15, and I am going to make every effort to have that done. But, for instance, if it were cleared, we could not call it up by motion before next Tuesday because of the absence of some Senators who are interested in that proposed legislation.

Mr. MANSFIELD. If I may ask the leader one more question, does he intend to bring up before next Wednesday the bill reported by the Interstate and Foreign Commerce Committee having to do with cables, boosters, TV stations, and the like? It is Order No. 950, Senate bill 2653, to amend section 409(c) of the Communications Act of 1934.

Mr. JOHNSON of Texas. I should like to discuss that with the Senator. There is one group writing letters recommending that it be taken up. There is another group writing letters urging us to wait until they get back. I have letters from some Senators saying, "Please take it up now." I have letters from others saying, "Please do not take it up until after the 15th."

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. SALTONSTALL. The Senator, in answer to questions, has given several negative answers. Is the majority leader able to tell us affirmatively what some of the bills are that may be brought up?

Mr. JOHNSON of Texas. Yes. They have been previously announced. I will repeat them. One is the bill to which the Senator from Montana [Mr. MANSFIELD] referred, Order No. 950, Senate bill 2653, the community antenna bill. That is a bill which will receive the consideration of the Senate. It is just a question of arranging a time to suit the convenience of Senators. Another is Order No. 1035, Senate bill 743, to amend the Federal Coal Mine Safety Act. That is a bill which will receive the consideration of the Senate.

Order No. 1049, introduced by the Senators from Michigan [Mr. MCNAMARA and Mr. HART], to authorize an emergency 2-year program of Federal financial assistance in school construction to the States, is a major bill, and its consideration will take much time of the Senate.

I could start with the first order and go through the list, but most of the bills on the calendar have been cleared. It is simply a question of working out when we can consider them in the Senate. I doubt that we will get to all the ones I have already listed, because we have agreed to go slowly from February 7 and back until the first of the following week.

I hope my minority colleagues will take that into consideration at the end

of the session, when they issue their statements about our achievements, and will say that we did the best we could in the light of all the engagements we had away from the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT

A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, reporting, pursuant to law, on agreements concluded under title I of the Agricultural Trade Development and Assistance Act of 1954, during the month of December 1959 (with accompanying papers); to the Committee on Agriculture and Forestry.

AMENDMENT OF CAREER COMPENSATION ACT, RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE ON DISPOSITION OF FOREIGN EXCESS PERSONAL PROPERTY

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the disposition of foreign excess personal property by the Department of Defense, as of June 30, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

ADMINISTRATIVE ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish the position of Administrative Assistant Secretary of Health, Education, and Welfare (with an accompanying paper); to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTION OF SOUTH CAROLINA GENERAL ASSEMBLY

Mr. THURMOND. Mr. President, on behalf of myself and my colleague, the senior Senator from South Carolina [Mr. JOHNSTON], I present a concurrent resolution of the General Assembly of South Carolina memorializing Congress to appropriate funds to conduct basic and applied research at a research center, to be established in the Pee Dee area of South Carolina, on problems involved in the usage of soil and water resources in the middle Atlantic coastal plains areas. I ask that the concurrent resolution be appropriately referred.

There being no objection, the concurrent resolution was received and referred to the Committee on Appropriations, as follows:

Whereas many basic and practical problems are involved in the usage of soil and water resources by agriculture, industry, municipalities and others; and

Whereas the demands for the use of these resources are ever increasing and the solution of the many problems involved has become a nationwide interest; and

Whereas soil and water conservation research is urgently needed in many areas and especially in those which have a much higher production potential than that indicated at the present; and

Whereas the middle coastal plains areas which lie in North Carolina, South Carolina, and Georgia, containing approximately 30 million acres, is considered to be an area which needs the attention of research scientists with a view to studying flooding, water supply, water erosion, wind erosion, crop rotation and residue management, salinity, soil fertilization and liming, reclamation of marshland, forest establishment and management, economic and social aspects of soil and water conservation, internal drainage, tillage, and many related problems; and

Whereas in document No. 36 of the 1st session, 86th Congress, entitled "Facility Needs—Soil and Water Conservation Research," the Pee Dee section of South Carolina is recommended as a research center which should be provided with facilities for an appreciable expansion to attack the many diverse problems on the sandy soils of the middle coastal plains involving mineral, nutrition, soil and water management because the Pee Dee area is in the approximate geographic center of the three-State area and has typical soils, topography, problems, and average climate conditions; and

Whereas it is felt by the members of the General Assembly of the State of South Carolina that there is a tremendous need for such a research center, to be administered and operated by the Federal Agricultural Research Service, Soil and Water Conservation Research Division, in cooperation with participating State experiment stations; and

Whereas it is the desire of the members of the general assembly that funds be appropriated so that such research center may be established: Now, therefore, be it

Resolved by the house of representatives, the senate concurring, That the Congress of the United States be memorialized to appropriate sufficient funds to conduct basic and applied research at a research center to be established in the Pee Dee area of South Carolina on problems involved in the usage of soil and water resources in the middle Atlantic coastal areas; and be it further

Resolved, That copies of this resolution be sent to the clerks of the House of Representatives and the Senate of the United States and to each Member of the U.S. Congress from South Carolina.

INEZ WATSON,
Clerk of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 8684. A bill to provide transitional provisions for the income tax treatment of dealer reserve income (Rept. No. 1045).

TENTH ANNUAL REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 1044)

Mr. SPARKMAN. Mr. President, from the Select Committee on Small Business, I submit the committee's 10th annual report, and ask that it be printed.

As has been the case in every preceding year, this report is a unanimous one, and summarizes an active and fruitful year of activity by the committee.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. KENNEDY (for himself, Mr. CLARK, and Mr. JAVITS):

S. 2929. A bill to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of belief; to the Committee on Labor and Public Welfare.

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

By Mr. BEALL:

S. 2930. A bill for the relief of Aubey Singh Chattergoon; to the Committee on the Judiciary.

By Mr. BEALL (for himself and Mr. BYRD of Virginia):

S. 2931. A bill to amend the Hatch Act so as to permit certain political activity by Federal employees residing in Maryland or Virginia and employed in the District of Columbia or surrounding counties of such States; to the Committee on Rules and Administration.

By Mr. CLARK:

S. 2932. A bill to amend section 3568 of title 18, United States Code, to provide for reducing sentences of imprisonment imposed upon persons held in custody for want of bail while awaiting trial by the time so spent in custody; to the Committee on the Judiciary.

S. 2933. A bill relating to accumulation of income by certain charitable trusts and corporations; to the Committee on Finance.

By Mr. TALMADGE (for himself, Mr. BYRD of Virginia, Mr. ROBERTSON, Mr. JOHNSTON of South Carolina, Mr. HILL, Mr. SPARKMAN, Mr. EASTLAND, Mr. STENNIS, and Mr. LONG of Louisiana):

S.J. Res. 154. Joint resolution proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools; to the Committee on the Judiciary.

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

By Mr. JAVITS:

S.J. Res. 155. Joint resolution authorizing the establishment in the District of Columbia of a memorial to Albert Einstein; to the Committee on Rules and Administration.

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

CONCURRENT RESOLUTION

Mr. CLARK, on behalf of himself, and Senators BEALL, BYRD of West Virginia,

CARROLL, CHURCH, GRUENING, HENNINGS, HUMPHREY, JAVITS, KEFAUVER, KENNEDY, MAGNUSON, MCCARTHY, MCGEE, MORSE, MOSS, NEUBERGER, PROXMIRE, SYMINGTON, WILLIAMS of New Jersey, YOUNG of Ohio, PASTORE, ENGLE, and RANDOLPH, submitted a concurrent resolution (S. Con. Res. 83) to strengthen the authority of the United Nations to prevent war, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

STATE CONTROL OF PUBLIC EDUCATION

Mr. TALMADGE. Mr. President, last January, eight colleagues and I introduced a proposed constitutional amendment which we sincerely felt offered a reasonable and realistic solution to the worsening educational crisis growing out of the Supreme Court's 1954 decision prohibiting separate schools for the races.

The proposal was widely acclaimed not only in the South but also in all other sections of the country. Many newspapers carried editorials commenting favorably upon it and I had a number of them printed in the CONGRESSIONAL RECORD. I received hundreds of letters from individuals throughout the Nation endorsing the approach proposed by the Talmadge school amendment as fair, sound, and workable.

Extensive public hearings were held last May by the Subcommittee on Constitutional Amendments at which an impressive number of responsible and respected leaders, including some of the country's best legal scholars testified in support of so amending the Constitution of the United States. The 282-page printed transcript of testimony taken at those hearings stands as irrefutable proof of the fact that support of the Talmadge school amendment is not limited to any one region, but is national in scope.

Unfortunately, the joint resolution embodying the proposed amendment was tabled in the subcommittee by a vote of 3 to 2 as the result of some of the specious objections which were raised to it.

There were some who contended that the language was too broad.

There were others who maintained that it opened the door to economic, religious and racial discrimination.

There were others who insisted that it would nullify the guarantee of "equal protection of the laws" contained in the 14th amendment.

There were others who charged that it would result in all manner of lowered standards, capricious regulations, and restricted educational opportunity.

Of course, Mr. President, all of those fears were completely groundless, and those of us sponsoring the proposed amendment sought so to assure the members of the subcommittee. As the principal author, I advised them that the sponsors would welcome any clarifying language which they felt was needed to allay the various apprehensions which had been expressed.

It was disappointing, therefore, that the subcommittee decided to table the proposal rather than revise its wording and give the full Committee on the Judiciary an opportunity to pass on it.

Consequently, the other sponsors and I have endeavored to rewrite the original joint resolution in an effort to satisfy the objections which have been raised to it, while, at the same time, striving to preserve the original objective of restoring control over public education to the States as intended by the framers of the Constitution. The result of our efforts is contained in a new joint resolution which I shall offer for introduction and appropriate reference at the close of my remarks.

Our revised amendment would read as follows:

Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions, and public educational systems, whether operated by the State or by political or other subdivisions of the State or by instrumentalities or agencies of the State: *Provided, however,* That nothing contained in this article shall be construed to authorize any State to deny to any pupil because of race, color, national origin, or religious belief the right to attend schools equal in respect to the quality and ability of the teachers, curriculum, and physical facilities to those attended by other pupils attending schools in the same school system.

Mr. President, it is my firm belief that this new language for the Talmadge school amendment should serve to set at rest all the fears of those who have had doubts either as to the motives of its sponsors or as to the ultimate result of its application.

Nothing in that language, Mr. President, would relieve any State of its obligation within the context and intent of the 14th amendment to guarantee all of its citizens equal protection of the laws. It would merely assure for all time to come that insofar as public education is concerned, no State could be deprived of its constitutional right to operate its public schools in accordance with the wishes of its citizens within the limits of constitutional guarantees.

Let me point out and emphasize, Mr. President, that the Talmadge school amendment is neither a segregation nor an integration measure. It rather is a proposal to reassert affirmatively the time-honored right of local people to administer their schools on the State and local levels in accordance with prevailing conditions, circumstances and attitudes. Under it, school patrons in each State would be free to determine for themselves through their elected representatives whether segregation, integration, or some median procedure would best serve the interests of their children and State.

The basic question involved is far more fundamental than the mere matter of who attends what school. It goes to the very heart of our concept of constitutional republican government; that is, the right of local self-determination.

The bedrock of our form of government is, in the words of the Declaration of Independence, that it derives its "just powers from the consent of the governed." And whenever we in this country get away from that foundation of our freedom, as of that moment we will have ceased to be a Nation in which the people govern themselves.

Mr. President, I recognize that on the issue of separation of the races in the schools of the Nation there is a wide divergence of opinion and individual feelings are strong and inflamed on both sides. Many false emotional factors have been injected, and those undoubtedly account for the fact that the Talmadge school amendment to date has not been considered on its merits.

As I endeavored to stress when I introduced the original version of the amendment last year, Mr. President, the constitutional and sociological ramifications of the Supreme Court's school ruling have stirred a continuing controversy which has divided the best minds of the country.

There are two opposing camps of opinion—those who consider the decision to be the law of the land and who are determined to force its implementation regardless of the results and those, like myself, who consider the decision to be outside the scope of the Constitution and who are dedicated to seeking its reversal by every lawful means.

On one hand, there is the accomplished fact of a Supreme Court edict, while on the other hand the overwhelming majority of the people of the South will neither accept nor submit to the forced implementation of it.

The only realistic, constitutional way by which the public schools in many areas of the South can be spared the fate of being crushed between those two millstones lies in recognizing that public schools are local institutions which must be operated by local people on the State and local levels if they are to survive.

It was with the view of affording such a solution that the original Talmadge school amendment was proposed last year, and it is with that same objective in mind that the revised version is being presented at this session.

I ask unanimous consent, Mr. President, to have the text of my statement before the Senate upon the introduction of the original amendment on January 27, 1959, printed at this juncture in my remarks.

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

PROPOSED AMENDMENT TO THE CONSTITUTION TO VEST EXCLUSIVE ADMINISTRATIVE CONTROL OF PUBLIC SCHOOLS IN THE STATES AND THEIR POLITICAL SUBDIVISIONS

Mr. TALMADGE. Mr. President, no one can view dispassionately the recent course of events which has resulted in the closing of public schools in various localities of the South without experiencing a deep sense of sorrow.

Neither can one objectively contemplate a future in which those events are allowed to

continue to their ultimate conclusion without experiencing a shocking sense of alarm.

The closing of any school anywhere is a lamentable occurrence.

The closing of a public school system is a terrible tragedy.

The destruction of public education in an entire region of our Nation would be an unparalleled catastrophe.

Yet, Mr. President, a realistic appraisal of the facts of the matter affords no conclusion but that that will be the inevitable result of binding the citizens of the South in the chains of circumstance now being forged around them.

And the real losers of such an eventuality unfortunately will be those who will have the least to say about it—the schoolchildren of the South and their parents.

The importance of education hardly can be overstated.

With the exception of seeking the salvation of his immortal soul, man has no greater responsibility than seeing that his young are educated to the fullest extent of their abilities and are equipped spiritually and intellectually to achieve mankind's highest destiny.

The American concept of universal education, more than any other factor, is responsible for the greatness which this Nation has achieved. And it very likely may prove to be the determining factor in the outcome of our present life-or-death struggle with international communism.

This critical juncture in our national life is no time to permit divisive issues to rob the Nation of the minds and talents of a great segment of its youth by closing the doors of the public schools in their faces.

It is time, Mr. President, that someone spoke out in behalf of the voiceless masses who will suffer the consequences of such rash action.

From their standpoint there is little difference between those who would destroy public schools with bombs and those who would close them with court orders.

The end result of both actions is the same—to deny the children affected their right to a public education.

Let us put the question in its proper perspective.

The constitutional and sociological ramifications of the decision of the Supreme Court that separate, but equal, education is violative of the 14th amendment have stirred a continuing controversy which has divided the best minds of the country.

There are those who consider the decision to be the law of the land and who are determined to force its implementation regardless of the results.

There are others, like myself, who consider the decision to be outside the scope of the Constitution, and who are dedicated to seeking its reversal by every lawful means.

Since there is no likelihood that those two viewpoints ever will be reconciled, it is essential to the future welfare of the Nation that all citizens face up to the two incontrovertible facts of the situation. They are these: First, regardless of whether one accepts it or not, the Supreme Court's school decision is an accomplished fact which will remain so until it either is reversed by the Court itself or is nullified or modified by Congress or the people; and, second, regardless of whether one likes it or not, the overwhelming majority of the people of the South will neither accept nor submit to the forced implementation of that decision and there is no prospect of any change in that position within the foreseeable future.

Therefore, Mr. President, unless it is the wish of the Senate and the Congress that the Nation be torn asunder and the schools of the South destroyed, action must be taken soon to resolve the issue on a realistic, constitutional basis in the light of the facts just stated.

To those who insist that compliance be compelled by Federal force, I would point out the disastrous consequences of such an attempt in Little Rock, Ark.

Federal bayonets are not the answer.

To those who would have the Federal Government finance and operate the schools of the South, I would point out the abhorrent results we have witnessed in our lifetimes from the attempts by Nazi Germany and Communist Russia to control education at the national level.

Federal control of education is not the answer.

To those who advocate inaction and who would sit by idly and smugly while children go without an education, I would point out the unspeakable hypocrisy of using children as pawns of political expediency.

Rearing a generation in ignorance is not the answer.

What, then, Mr. President, is the answer?

That is a question to which I have given 2 years of serious thought and careful study and about which I have sought the ideas and advice of lawyers and laymen throughout my State and region.

In all candor I must admit, Mr. President, that I do not believe any one man, any one legislative body or any one court could devise a comprehensive answer which would cover all situations and meet all contingencies inherent in the present controversy.

That is why I am convinced that the historians of the future will record as one of the gravest and most costly mistakes of our Nation the decision of the Supreme Court to make judicial questions out of matters of human relations which the sum total of the experience of mankind dictates should be left to the orderly process of evolution.

But now that the Court has arrogated unto itself the authority to release the unknown contents of this Pandora's box, I submit, Mr. President, that it is now incumbent upon Congress to act to provide for the resolution of the resulting problems and tensions in a way compatible with American constitutional concepts.

That way, Mr. President, lies in the recognition of the fundamental fact that public schools in the United States are local institutions which have been established and are operated and financed by local people on the local level.

That way lies in freeing the Governors, legislatures, and school boards of the individual States to deal with each situation in the light of its own peculiar circumstances and in accordance with prevailing public opinion.

That way lies in removing external pressures seeking to force compliance with unacceptable directives and edicts and rather permitting local school patrons to determine for themselves the manner in which the schools attended by their children shall be administered.

That way can be paved, Mr. President, by the submission by this Congress for ratification by the States of an amendment to the Constitution of the United States which would read as follows:

"Administrative control of any public school, public educational institution, or public educational system operated by any State or by any political or other subdivision thereof, shall be vested exclusively in such State and subdivision and nothing contained in this Constitution shall be construed to deny to the residents thereof the right to determine for themselves the manner in which any such school, institution, or system is administered by such State and subdivision."

Under such a constitutional provision, the citizens of each State and subdivision would be left free to determine for themselves—in accordance with local conditions and procedures and prevailing attitudes—how and when their schools would comply with the Supreme Court's school decision.

Such a provision would prevent destruction of the public schools of the South and would end for all time any threat from any quarter of Federal control of education.

Such a provision would assure uninterrupted instruction for all children, regardless of their color or place of residence.

Such a provision would permit either retention of the status quo or orderly change as dictated by the requirements of public opinion and make certain that whatever change might take place would be by the constructive process of evolution rather than the destructive process of revolution.

Such a provision would create a basis for unity throughout the Nation at a time when it is vitally important that we present a united front before our enemies.

It goes without saying that the course I advocate will not be acceptable to those who wish to further their own partisan ambitions by punishing the South or to those who prefer for selfish reasons to keep the issue unresolved.

But I submit, Mr. President, that it offers a constitutional solution to a national dilemma which is compatible with everything that is American and affords the one way in which those of us who disagree on the constitutional and sociological questions at issue can meet on firm common ground to serve the best interests of the present and future generations of American youth.

I sincerely believe that there is not a Member of this Congress—regardless of the degree of his personal belief on this question—who could not vote for such an amendment with a clear conscience and in complete consistency with his principles.

As for myself I am and always have been a stanch adherent of the principle of local self-government and local self-determination. I regard it as the cornerstone of our freedom; and there is not an issue in our national life today to which I would not be willing to apply it without reservation.

I cannot bring myself to believe that any Member of the Senate who sincerely desires to see this disruptive issue peacefully and permanently resolved, and who genuinely is concerned about the welfare of all the children of this Nation, would oppose the submission of such an amendment.

I cannot comprehend any thinking individual ever opposing the submission of any proposition to a vote of the people or their elected representatives.

The very basis of our form of government is, in the words of the Declaration of Independence, that it derives its "just powers from the consent of the governed."

That is the crux of the present effort to force a new social order upon the South by judicial dicta—it is being done without the consent of the people directly affected.

The sentiment of the people of my State of Georgia is best summarized by two editorial excerpts.

The first, from the column of David Lawrence in the July 6, 1956, issue of U.S. News & World Report, states:

"The question before the country today is whether communities are free to adjust their school system to meet their own local conditions and local sentiment. Those States which desire to integrate their schools ought to have the sovereign right to do so, and those which desire to operate mixed schools in some counties and separate their schools in other counties, either by color or by sex or by intelligence tests, should have the same sovereign right."

The second, from an editorial by Editor James H. Gray in the November 27, 1958, issue of the Albany, Ga., Herald, reads:

"Surely, if common sense is going to be injected into this question—and there has been too little of that because of the political

capital that is being made of the votes of minority groups—this vital principle of consent of the governed must be maintained. Obviously, it can only be safeguarded by careful attention being paid to local conditions and local sentiment. * * * Freedom cannot flourish in a society where Federal force and political whims are the predominant cementing elements."

It is interesting to note, Mr. President, that the 2d session of the 85th Congress in two separate enactments affirmed the local nature of public schools and provided for their control on the local level.

In the National Defense Education Act, Congress declared:

The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education.

In the Alaska Statehood Act, Congress provided in section 6(j) that "the schools and colleges provided for in this act shall forever remain under the exclusive control of the State, or its governmental subdivisions."

The States of the South, with no disrespect to their sister State of Alaska, feel they are equally entitled to exclusive control of their schools and colleges. The amendment I am offering today, if submitted and ratified, would assure for all time that all States would enjoy that right.

The Supreme Court in its initial decision acknowledged the "variety of local problems" presented by its ruling and instructed the district courts to take "local conditions" into account in formulating their decrees under it. However, when the Little Rock district court sought to do just that last year, the High Court reversed itself and held that integration would have to proceed despite local conditions and the public interest.

The Supreme Court thus has sought to establish itself—without benefit of constitutional or legislative authorization—as a super board of education superior to the Constitution, to Congress, and to the consent of the people. In the course of less than 5 years it has so disrupted laws governing education that every school in the Nation now is subject to the whims of whatever five men happen to constitute a majority of the Court.

I do not believe, Mr. President, that it is the intent of this Congress or the wish of the people of this Nation that the local schools which were paid for and are financed on the local level should be at the mercy of a court which has no knowledge of educational needs or the public interest in fulfilling them.

Of all our public institutions, none are more needful or deserving of stability and continuity than are our schools. It is inconceivable that the younger generation can be educated for responsible citizenship in the future under continually changing rules of instruction.

It is basic in organized society that the rights and wishes of the individual must be subordinated to the dictates of public opinion and the requirements of public interest. And it would be well for members of all three branches of Government—executive and judicial as well as legislative—to reflect upon the fact that the source of all law is the people and that laws and court decisions are enforcible only to the degree that they conform to the consent of the governed.

It is with the desire to invoke our heritage of the "consent of the governed" that I herewith submit for appropriate reference a constitutional amendment which would vest exclusive administrative control of public schools in the States and their political subdivisions.

Mr. President, I introduce the joint resolution on behalf of myself and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the senior Senator from South Carolina [Mr. JOHNSTON], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senator from Louisiana [Mr. LONG].

Mr. President, I ask unanimous consent that the joint resolution may be read twice by its title and appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the joint resolution may be printed in the RECORD at this point.

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

The joint resolution was ordered to be printed in the RECORD, as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'Administrative control of any public school, public educational institution, or public educational system operated by any State or by any political or other subdivision thereof, shall be vested exclusively in such State and subdivision and nothing contained in this Constitution shall be construed to deny to the residents thereof the right to determine for themselves the manner in which any such school, institution, or system is administered by such State and subdivision.'"

Mr. TALMADGE. Mr. President, as I observed earlier, there are those who prefer the issue and there are those who genuinely want to resolve it.

I hope that two-thirds of the Members of the Senate and of this 86th Congress count themselves in the latter category, and will be willing to stand up and be so counted.

This amendment is compatible with everything that is American. It is the American way. It is the constitutional way. It is the way of reason and common sense.

I pray, Mr. President, that for the future of education in the United States this 86th Congress will give the people of America, through it, the opportunity to reclaim their constitutional right to run their schools on the local level according to the wishes of local people.

Mr. TALMADGE. Mr. President, the argument that the Talmadge school amendment would result in lowered standards, capricious regulations, restricted educational opportunity, and various fancied forms of racial, religious, and economic discrimination is a gross insult to the intelligence, vision, aspirations, and humanity of all Americans of all regions.

No responsible individual would advocate or condone any backward step in the quality or quantity of American education. All thinking citizens recognize that the great need of our Nation in this era of scientific and technological revolution is for more and better education, and the extraordinary efforts which the citizens of the South presently are making to provide such education for all children of all races, national origins, and religions bespeaks more eloquently of their sincerity and good faith in this regard than anything I might say.

There would be no curtailment or infringement of educational opportunity for children of any race in the South as the result of the incorporation of the Talmadge school amendment into the Constitution of the United States. To the contrary the actual result would be an acceleration of the present effort to improve the educational opportunity of all children to justify the confidence of the remainder of the Nation in giving specific constitutional recognition to the right of the people of the South to work out solutions to their problems in accordance with the prevailing situation in each particular State.

Mr. President, the American people will have degenerated to a sad state indeed when, as some opponents of the Talmadge school amendment contended last year, the Supreme Court and its strained interpretations of the 14th amendment are the only remaining safeguards against inferior education in this country.

Fortunately for the Nation, Mr. President, the American people do not have so low an opinion of their conscience, sense of justice and fair play and ability to manage their own affairs as do some of their detractors on the national scene.

It is to give the American people the opportunity to prove that point, Mr. President, that I introduce for myself and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON] the Senator from South Carolina [Mr. JOHNSTON], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS] and the Senator from Louisiana [Mr. LONG] a proposed constitutional amendment and ask unanimous consent that it be read twice, appropriately referred, and printed in the RECORD.

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

The joint resolution (S.J. Res. 154) proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States:

"ARTICLE ——

"Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions and public educational systems, whether operated by the

State or by political or other subdivisions of the State or by instrumentalities or agencies of the State: *Provided, however,* that nothing contained in this article shall be construed to authorize any State to deny to any pupil because of race, color, national origin, or religious belief the right to attend schools equal in respect to the quality and ability of the teachers, curriculum and physical facilities to those attended by other pupils attending schools in the same school system."

Mr. ROBERTSON. Mr. President, I support the proposed amendment submitted by the distinguished junior Senator from Georgia [Mr. TALMADGE] which reserves to the States the exclusive control over public schools, not because I feel that the Constitution needs this addition, but simply because it seems to be a practical necessity to offset a flagrant misinterpretation of the Constitution.

The men who wrote the U.S. Constitution did not intend to give the Federal Government any jurisdiction over public education. This was shown not only by the lack of any mention of this subject in the text of the Constitution, but also by the debates in the Philadelphia Convention and the State ratifying conventions and by contemporary interpretations of the actions of those bodies.

The closest the Constitutional Convention came to the subject was when it considered, and rejected, a proposal for a national university. Proposed drafts of the Constitution submitted by both James Madison, of Virginia, and Charles Pinckney, of South Carolina, contained a provision for the university. The idea was backed by George Washington, who continued to cherish it to the extent that in his will he left 50 shares of Potomac Canal stock for the establishment of a university "if the National Government is inclined to extend a fostering hand." Virginia, North Carolina, South Carolina, and Pennsylvania supported a resolution offered by Madison and Pinckney to establish this educational institution, but the proposal was defeated by votes of a majority of the Representatives of the other States.

There was lengthy debate, both during and after the Convention, on the question of the division of powers between the Federal Government and the States, and advocates of the Constitution were able to obtain ratification only by promising that certain amendments would be promptly adopted. That pledge was fulfilled by the First Congress when it adopted the 10 amendments which we call the Bill of Rights.

The ninth amendment provides:

> The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

The 10th amendment reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Even these assurances did not completely satisfy my State, however. The Virginia ratifying convention named a committee headed by Gov. Edmund Randolph and including James Madison and John Marshall to draft a form of ratification which would include certain reservations as to States rights. This resolution, which was adopted, stated that "the powers granted under the Constitution, being derived from the people of the United States," could be "resumed by them whensoever the same shall be perverted to their injury or oppression" and that "no right of any denomination can be canceled, abridged, restrained, or modified by the Congress, by the Senate, or House of Representatives, acting in any capacity, by the President, or any Department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes."

Deciding which pupils should attend a particular public school clearly is not one of the powers delegated to the United States by the Constitution nor is it prohibited to the States by the Constitution or the first 10 amendments.

Neither is it covered by the 14th amendment, despite the 1954 effort of the Supreme Court of the United States to read into the amendment a power over local school systems.

Last year David J. Mays, chairman of the Virginia Commission on Constitutional Government, who is distinguished not only as a lawyer but also as a writer on historical subjects, told the Senate Subcommittee on Constitutional amendments of the research done by an expert staff which he had assigned to examine the relation between schools and the 14th amendment. Mr. Mays said extensive studies in the New York Public Library, the Library of Congress, and other places led to the conclusion that the 14th amendment had no application at all to schools.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Is it not true that the same Congress which submitted the 14th amendment created, at the same time, a system of separate schools in the District of Columbia?

Mr. ROBERTSON. Indubitably so; and the junior Senator from Virginia was just about to mention that fact; that is, that the conclusion reached by this distinguished lawyer from Richmond, after exhaustive research of all the available records in the New York Public Library, the Library of Congress, and similar places elsewhere, and of all the debates in the Constitutional Convention, of the Federalist Papers, and everything pertaining to any of the ratifying conventions, showed that there was no intention whatever, by direction or indirection, to give the Federal Government any control whatsoever over the schools.

As I say, this conclusion was based on actions and attitudes of legislative bodies of 37 States and of the Congress in the sixties and seventies of the last century. One clear indication of the interpretation of the 14th amendment at the time of its adoption was the action of Congress itself in setting up segregated schools in the District of Columbia.

A later indication of congressional intent might be found in the laws providing for admission of Alaska and Hawaii as States of the Union. Each of these contained a specific provision which said that schools and other educational institutions supported in whole or in part by trust funds provided through grants of Federal property shall remain forever under the exclusive control of the State.

Unfortunately, however, the Supreme Court in 1954 not only ignored the position traditionally taken by the legislative branch of the Government, but also reversed the rulings of previous Courts by demanding that schools be desegregated.

Among the previous decisions discarded by the Court in 1954 was the 1927 decision in the case of *Gong Lum* v. *Rice*, 275 U.S. 78. That earlier decision had been made by a Court headed by Chief Justice Taft, who previously had been a member of the circuit court of appeals, President of the United States, and a professor of law at Yale. Other members of the Court joining in the unanimous decision were Justices Holmes, Brandeis, Stone, Van Devanter, McReynolds, Sutherland, Butler, and Sanford.

Acting on the complaint of a Chinese girl, the Court ruled that public education was within the exclusive jurisdiction of the States and that there was nothing in the 14th amendment or the Constitution to prohibit a State from segregating students on the basis of race. This decision also held that if the facilities provided for members of a colored race were equal to those provided for whites in a separate school there were no constitutional grounds for complaint.

The Gong Lum decision was in line with numerous other decisions of the Federal courts and State courts, and if it had been allowed to stand, there would be no need for the new constitutional amendment proposed in Senate Joint Resolution 32. But, although the decision in the 1954 case of Brown against Board of Education technically bound only the immediate parties to it, so long as that ruling stands it is morally binding on lower courts and serves as a constant prod pushing us not only in the direction of integrated schools, but also toward more Federal controls over education.

Our courts will be filled with cases involving the desegregation issue until either, first, the Supreme Court again changes its position, or second, the States have been given an opportunity—such as is proposed in the pending resolution—to amend the Constitution and to say positively that control over public schools is reserved exclusively to the States.

The people of the United States should be given an opportunity to pass on that question, not merely as a means of removing schools from the field of controversy and allowing school officials to concentrate on their responsibility for educating children, but also because there is involved here a basic question of philosophy of government.

Either we are to remain a Federal Union, as contemplated by the Founding Fathers, with States exercising sovereignty in certain areas and the Federal Government recognized as supreme within its own limited area of power, or else we shall become a monolithic State with all important powers concentrated in the central government.

The experience of history indicates that no government has been able to remain in power for a long time over a wide area, including people with differing characteristics, except by use of the Federal principle of division of powers. We have built a great enterprise system on that firm foundation. Adoption of the amendment assuring States against interference with their right to control the training of their youth will buttress our Constitutional foundation.

Therefore, Mr. President, I hope that the pending resolution will be approved.

MEMORIAL TO ALBERT EINSTEIN IN THE DISTRICT OF COLUMBIA

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the establishment in the District of Columbia of a memorial to Albert Einstein.

Mr. President, one of the greatest men of our time and the world's leading scientist was Albert Einstein, who died in 1955. There have been many great men in our generation; but his name stands out among the others as one whose work will probably temper the course of the world for many generations still to come. Without his genius, the tremendous achievements in the physical sciences and in the exploration of space may in all likelihood not have occurred in our lifetimes.

Albert Einstein published his Theory of Special Relativity as far back as 1905. Albert Einstein was an immigrant to the United States, a refugee who fled Nazi persecution. A winner of the Nobel Prize in 1921, he became a special target of the Nazis. He fled finally in 1933 and came to Princeton, N.J., where the university made it possible for him to continue his work. Had he not been a man of exceptional distinction, our present immigration laws might very well have kept him out of our country, to the very great detriment of world progress.

In this connection I should like to point out urgent need of amendments to the Immigration and Naturalization Act which would seek to modernize and correct many weaknesses in our present immigration procedures, and include the admission into the United States of a fair share of the Iron Curtain refugees.

Our country was extremely fortunate in being able to provide a home and an atmosphere in which a man like Albert Einstein could continue his incomparable work. His name will be an inspiration in science to the present and future generations of young scientists as well as to the youth of our country, who have not been privileged to know him. I believe it would be eminently fitting that we establish in the capital of the United States a memorial to Albert Einstein which would stand as an expression of our Nation's high regard for this extraordinary, yet very modest and humble man, and I propose this resolution to that effect. I expect that there will be adequate private subscription for this memorial.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 155) authorizing the establishing in the District of Columbia of a memorial to Albert Einstein, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Rules and Administration.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the joint resolution authorizing the establishment in the District of Columbia of a memorial to Albert Einstein, which I introduced earlier this afternoon, may lie on the desk until the close of business on Monday, February 1, so as to give other Senators an opportunity to cosponsor it if they so desire.

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

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES—AMENDMENTS

Mr. JAVITS. Mr. President, on behalf of myself, and Senators DOUGLAS, ALLOTT, BARTLETT, BEALL, CASE of New Jersey, CHURCH, CLARK, COOPER, HART, HUMPHREY, KEATING, LONG of Hawaii, MCCARTHY, MORSE, MOSS, MURRAY, MUSKIE, NEUBERGER, PASTORE, PROXMIRE, SCOTT, WILLIAMS of New Jersey, and YOUNG of Ohio, I submit amendments, in the nature of a substitute, intended to be proposed by us, jointly, to the joint resolution (S.J. Res. 39) to amend the Constitution to authorize governors to fill temporary vacancies in the House of Representatives. I ask that the amendments be printed under the rule.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. BEALL submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 39, supra, which was ordered to lie on the table and be printed.

Mr. KEATING. Mr. President, I send to the desk amendments to Senate Joint Resolution 39, which amendments would accomplish two things: First, separate permission would be required for ratification of all of these amendments; second, these amendments would give to the residents of the District of Columbia the right to vote for electors, and also to be represented in the Congress.

I ask that the amendments be printed.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

CAMPAIGN SPENDING—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of January 14, 1960, the names of Senators MANSFIELD, KENNEDY, MORSE, MURRAY, and HART were added as additional cosponsors of the bill (S. 2823) to provide for Federal contribution to the cost of election campaign of candidates for Federal offices, conditioned upon effective control and publication of other sources of financing such campaigns; to encourage small individual campaign contributions and to reduce the importance of large contributions in Federal elections; to provide Federal financial assistance for State voters' and campaign pamphlets; and for other purposes, introduced by Mr. NEUBERGER on January 14, 1960.

FAIR LABOR STANDARDS TRADE ACT OF 1960—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of January 21, 1960, the name of Senator PASTORE was added as an additional cosponsor of the bill (S. 2882) to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States, introduced by Mr. KEATING (for himself, Mr. BEALL, Mr. BRIDGES, Mr. COTTON, Mr. DODD, Mr. PROUTY, Mr. WILEY, and Mr. SALTONSTALL) on January 21, 1960.

NOTICE OF HEARING ON NOMINATION OF JOHN J. GRADY, TO BE DEPUTY DIRECTOR FOR MANAGEMENT OF INTERNATIONAL COOPERATION ADMINISTRATION

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate yesterday received the nomination of John J. Grady, of Illinois, to be Deputy Director for Management of the International Cooperation Administration.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days from receipt.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

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

William K. Holt, Jr., of Georgia, to be U.S. marshal, middle district of Georgia, vice Billy E. Carlisle, resigned.

Kenneth G. Bergquist, of Idaho, to be U.S. attorney, district of Idaho, for a term of 4 years, vice Ben Peterson, resigned.

Gilbert B. Scheller, of Illinois, to be U.S. marshal, southern district of Illinois, for a term of 4 years, vice William J. Littell, resigned.

Dudley G. Skinker, of Maryland, to be U.S. marshal, District of Columbia, for a term of 4 years, vice Carlton G. Beall, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, February 4, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

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

On request, and by unanimous consent, addresses, editorials, articles, etc.,

were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address delivered by the Vice President at Chicago, Ill., Dinner with Ike on January 27, 1960.

THE CHINESE NEW YEAR

Mr. SALTONSTALL. Mr. President, today marks the beginning of the Chinese New Year—the advent of the year 4658 in the Chinese calendar.

For the Chinese people, this is a 15-day period of celebration marked by firecrackers, lanterns, and dragon parades. Also it is a period of dedication, marked by spiritual ceremonies and symbolisms as ancient as civilized man.

Even though their numbers are relatively small in the 50 States of the Federal Union, the Chinese people make up an industrious and loyal part of the American heritage. I know that the Members of the Senate will want to join with them in observing this important date on the calendar.

The Chinese New Year begins at the close of the great cold of winter, when the earth begins its reawakening and when spring is throbbing its life call through all living things.

The last night of the old year is the occasion for a family feast, followed by a first day of the New Year also devoted to the family—a day in which all disputes are forgotten and forgiven in a general reconciliation. The Chinese people prepare for their New Year by cleaning and redecorating their homes, and by settling all outstanding debts accumulated during the old year. Aside from its cultural aspects, the last practice has social and economic significance which should be valuable to the American society.

This New Year's Day is also everyone's birthday, a child born anytime within the past year being considered 1 year of age on this date.

Today, Mr. President, the exalting spirit of the Chinese New Year is troubled by the discord within the Chinese nation and the exclusion of the mainland of China from the councils of nations. The teeming homeland is ruled by leaders whose aggressive policies threaten to undermine our efforts to assure the peace of the world. But we can all hope for the day when China will speak again with one voice, and when that voice will be the voice of reason and peace, of freedom, understanding, and progress.

We in the U.S. Senate, Mr. President, have special cause to mark this particular Chinese New Year's Day, because there sits among us today the first Member of Chinese ancestry of this historic body.

The people of Hawaii have honored this great leader by electing him a U.S. Senator, and in so doing they have honored our Nation. His election and service are living proof to the Asiatic world of the opportunities for the individual under a free government, and which are a challenge to free people.

In my own State, Mr. President, leaders of Chinese ancestry have become valued citizens and have made worthwhile contributions to their adopted land. I wish to extend to them my heartfelt greetings at the outset of another New Year and my hope that the coming year will provide new opportunities for leadership and service by this ancient and dedicated people.

SPIRES AND THE SICKLE

Mr. DODD. Mr. President, I should like to invite the attention of my colleagues to another moving and brilliant article published in the Washington Star of January 24, 1960, written by our beloved chaplain, Dr. Frederick Brown Harris. I ask that it be printed in the body of the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

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

SPIRES AND THE SICKLE

(By Dr. Frederick Brown Harris)

There is nothing more important for a nation whose very breath is freedom than to know the truth about Soviet Russia. As the land of the spires appraises the land of the sickle, what are the facts? The true reply to that question may determine whether this Republic based on the will of the people can long endure. We know the principles and objectives of America. We seek no people's defeat, but only their highest good. No exchange of visits by the head of a democratic state where the people rule and a police state where individuals are only cogs in a state machine can possibly make clear the ultimate intention of the latter regime. With them, diplomacy is often the process of concealing thought. The glamour of visitations as a national spectacle may but take the attention from fundamental issues.

Today we are asking a distinguished preacher and a devout and intelligent young layman to step into the "Spires" pulpit and give us their reasoned impressions of the Government of the Soviets. These two American churchmen recently have spent a sufficient length of time under Russian skies to know what they are talking about.

The first one to speak to us is Richard W. Judy. He has returned after a whole year's study at Moscow University. He is now at Harvard. He was at Moscow University as an exchange student from America. He is an active member of a church in Kansas. After a year of intimate mingling with thousands of Russians, including his fellow students in the university, he says:

"The enemy is strong, but strength without will and faith is like muscle without nerve. The enemy's driving force is religion. The fact that this religion is secular does not deprive it of the power that all true religion possesses, a power grounded deeply in faith. Christians believe in God. Communists believe in the laws and forces of history, and that these laws are on their side.

"It does not matter that the majority of the people in the Soviet Union are apathetic and indifferent to the grandiose plans that their leaders harbor. The important thing is that those leaders sit at the top of a system in which all the resources of society can be mobilized and directed toward ends which the leaders think worthwhile.

"The Communist leaders are pursuing their goals with a zeal and determination based upon the faith that the laws of historical development are on their side. If the values we profess to hold dear are to be protected and nurtured we will have to have a rebirth of faith and belief in their worth. Only if this is done will we have the necessary will to shrug off our apathy and complacency and to make the sacrifices which the struggle demands."

And now, following this student there comes to the pulpit Bishop Gerald Kennedy of the Methodist Church, one of the best informed church leaders and with one of the keenest minds in all America. In referring to the arranged visit of our President to Russia the bishop declares, "It is no exaggeration to say that the fate of the world may hinge in large measure on the results of that visit." Addressing our Chief Executive, he says, "May God be with you in your journeys—our Nation prays."

Now, without interrupting him, let us pass on the bishop's comments growing out of his long visit to Russia:

"The official position is atheistic; every new generation becomes more hostile to believers. With us, no man wakes up on Sunday morning facing the risk of being seen at church by a boss who might hold it against him. The Soviet Government will deny that this is true, but I happen to know it is. You can hardly miss what you have never had. And so, how important is freedom to people who have never had it? Actually, the men in the Kremlin are offering their people a new religion. It is supposed to be materialistic and practical, but it is developing all the mystical overtones of a new Los Angeles cult. This new religion will brook no competition for the souls of men, and it has not only the power of the government behind it but guns and bombs. It is too clever to drive the Christians underground, but it keeps them helpless and futile in a gradually narrowing vise. It does create a drabness in society and a sadness in the heart, but it creates also a fanticism in young men and women, if it succeeds in getting them early enough.

"Khrushchev suggests, 'Let us live together, with each of us going his own way. Do not keep your guard up,' he advises us get rid of nasty suspicions. Russia, he says, does not want war, and I believe him. War would upset their plans and schedules.

"I do not believe that war is inevitable. But I do not believe either that these two systems can live side by side without one going down. For the first time in history we are facing a terrible enemy who denies the very basis of our life. The beliefs by which we live the Russians ridicule; the faith that has undergirded our growth they hate. Have you ever seen a nation built on atheism? Where, I ask myself, do you begin to negotiate? Where do you find a meeting place?

"Either Christianity is true or communism is true, but not both. We shall not escape the toughest fight we have ever fought. Coexistence is a pleasant term, but one of these systems is going down. That the outcome will be determined by our faith is frightening. Do we really believe that what we have is worth great sacrifices? Have we any real understanding of what freedom costs? Do we have any compelling vision for the world of tomorrow? I tremble when I realize how much depends on the churches of the free world."

And now, as Bishop Kennedy leaves the pulpit under the Spires, let us repeat together words from our National Anthem, words which, carried out in this fearful day, may mean our lives, our fortunes, and our sacred honor:

"Then conquer we must, for our cause it is just,
And this be our motto, In God is our trust."

AWARD OF LEGION OF HONOR TO MSGR. BELA VARGA

Mr. DODD. Mr. President, yesterday afternoon at 5:30, Msgr. Bela Varga, last freely elected President of the Hun-

garian Parliament, leader of the Hungarian liberation movement in exile, and papal prelate, was invested as an officer of the Legion of Honor by Ambassador Herve Alphand at the French Embassy in Washington.

Since the subjugation of his country by the Communists Monsignor Varga has served as head of the Hungarian committee—Hungary's liberation movement in exile—which has its headquarters in New York.

The award received by Monsignor Varga is the highest honor which the French Government can bestow. President De Gaulle has conferred this honor on Monsignor Varga in recognition of his courageous assistance during World War II to more than 2,000 French officers and soldiers who had escaped from German prison camps into Hungary.

The story of Monsignor Bela Varga is, in my opinion, one of the great personal epics of the eternal struggle for human freedom and dignity. Monsignor Varga has never asked for credit, nor has he attempted to publicize his story. But now that his services have at last been recognized by the Government of France, I believe his story should be more widely told as an inspiration to all men who cherish freedom.

As a parish priest and as one of the leaders of the Smallholders Party, Bela Varga fought the Nazis in Hungary from 1936 on. In 1939, fleeing before the German invasion, a flood of 120,000 Polish refugees—20,000 of them Jews—crossed the border into Hungary seeking asylum. The shadow of Nazi power fell like a pall across the whole of central Europe. Even men who were not pro-Nazi became wary of offending the Nazis and their quislings. But there were those who could not be intimidated. Among the foremost was Msgr. Bela Varga.

With the help of a few brave and sympathetic men in the Hungarian Government, he converted his village of Balatonboglar into a massive refugee center. During 1939 and 1940, he played a central role in arranging the evacuation through Italy and Yugoslavia of some 45,000 able-bodied Poles who joined the army of General Anders. The refugee operation he directed even included a special home for Jewish orphans.

But this was not all. Monsignor Varga realized that in the struggle against the Nazi evil, humanitarian deeds were not enough. The evil itself had to be extirpated. Old personal ties led him into an association with the Polish Government in exile in London. His rectory at Balatonboglar became a staging point for couriers traveling back and forth between the Polish underground and the free world. It also housed a secret radio, which was used for communication by the Polish underground.

In August 1942 a Polish paratroop officer by the name of Taddeus Zsidek arrived in Balatonboglar, bringing with him the first documentary confirmation of the existence of the infamous Nazi extermination camp at Auschwitz. To make sure that these documents were safely delivered, Varga disguised Zsidek as his Jesuit brother, Andrew Varga, and traveled with him through Nazi-controlled Croatia and Fascist Italy to Switzerland.

Funds for the Jewish community in Poland, which were transmitted to the charge d'affaires in Budapest, Edmond Fietovics, were smuggled across the border by Monsignor Varga's underground.

In February 1944, when the Nazis took over complete control of Hungary, Monsignor Varga was compelled to go into hiding with a price of $20,000 on his head. For months he remained in hiding. But then the Nazis began rounding up the Jews of Budapest en masse and deporting them in cattlecars to the extermination camps. Cardinal Mindszenty, then Bishop Mindszenty, gave Monsignor Varga the assignment of organizing the clergy and clerical institutions of Budapest in an effort to help save the Jews. Many thousands of them were hidden in the cellars of monasteries and convents and churches. Many thousands more were provided with false papers. So effectively was the entire operation performed that, when the Nazis finally retreated from Budapest, more than 120,000 Jews emerged, as if by magic, from the ground. In no major city of Europe which was completely under Nazi occupation did so great a number of Jews survive.

In the course of these activities, Monsignor Varga risked his life a thousand times.

Fortunately, there are many witnesses to Monsignor Varga's heroism during this period, among them Chief Rabbi Ferenc Hevesi of Budapest.

Mr. President, I ask unanimous consent to have reproduced in the RECORD at the conclusion of my remarks the statement issued by the Hungarian Committee in New York in connection with yesterday afternoon's ceremony, and also a letter from former Prime Minister Stanislaw Mikolajczyk, of Poland, to Monsignor Varga, dated March 15, 1950, in which is set forth Monsignor Varga's heroic record of assistance to the Polish Government in London and to Polish refugees in Hungary, both Christian and Jewish.

I feel it proper that the Senate of the United States should, in this limited way, take notice of the honor which was conferred on Monsignor Varga yesterday afternoon at the Embassy of France. By inserting these documents into the RECORD of the U.S. Senate, we shall be paying a modest homage to a man who, in my opinion, already possesses the greatest honor our times can confer on anyone: He has been sentenced to death by both the Nazis and the Communists.

With men like Monsignor Varga to lead it, the Liberation movement in exile is something the Communists have every reason to fear.

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

MSGR. BÉLA VARGA, LAST FREELY ELECTED SPEAKER OF THE HUNGARIAN PARLIAMENT, HONORED BY PRESIDENT DE GAULLE FOR WARTIME SERVICES TO THE FREE FRENCH MOVEMENT

In Washington, at 5:30 p.m., Wednesday, January 26, 1960, Msgr. Béla Varga, papal prelate and leader of the free Hungarians in exile and the last freely elected President of the Hungarian Parliament, will receive the insignia of the Officer of the Legion of Honor from French Ambassador Hérve Alphand in a ceremony at the French Embassy.

President Charles de Gaulle conferred the decoration on Msgr. Béla Varga for his valiant and courageous assistance given to the French officers and soldiers who, during World War II, had escaped from German prison camps to Hungary.

Msgr. Béla Varga organized relief work for the French prisoners of war and the Polish refugees who came to Hungary and found haven in and around his parish in the village of Balatonboglar. Through this organization about 2,200 French soldiers, among them 300 Jews, were sheltered in the hotels and tourist homes of Balatonboglar, a resort of Lake Balaton. Every Sunday the French Tricolor was hoisted at the church and after Mass the French prisoners of war marched in closed formation through the main streets singing their patriotic songs—a unique sight in Hitler-controlled Europe. There was 55,000 Poles to reach safety and enlist in General Anders' Army.

Although Monsignor Varga was subjected to insults and threats, his principles as a priest and humanitarian gave him strength to continue his mission; he aided the French soldiers to reach General de Gaulle's Movement and they could continue their fight for the cause of France. Many were helped to find employment as teachers, clerks, cooks, etc.

When the Arrow-Cross Movement led by the schizophrenic Ferenc Szálasi was put into power by Hitler on October 15, 1944, Monsignor Varga was sentenced to death by the Hungarian Fascists for his work.

After the war, Monsignor Varga—as one of the leaders of the Smallholder's Party—was elected President of the Hungarian Parliament. In 1947, when the Communists seized the power in Hungary, he was forced to leave the country. He took refuge first in Austria, and, in the same year, came to the United States. At present, at the age of 57, Msgr. Béla Varga is the chairman of the Hungarian Committee, the political representation for a free Hungary.

This honor was conferred upon Msgr. Béla Varga as appreciation of his services to the Free French Movement by its leader, Gen. Charles de Gaulle when he was elected President of the Republic.

WASHINGTON, D.C., *March 15, 1950.*

The Reverend Father BÉLA VARGA,
President of the Hungarian National Committee, New York City.

DEAR FATHER VARGA: Since during the war our correspondence had to be strictly secret, had to contain special, seamingly meaningless expressions and had to be signed with pseudonyms, I am very happy that I can now write to you, my dear Father, openly what I could not put in writing during the war and what I feel is my duty to write to you.

I take this opportunity to thank you most heartily for the help you have given to my countrymen during the Second World War.

I remember with what enthusiasm and devotion you helped to organize the Polish Secondary School at Balatonboglar in Hungary at which the children of the Polish refugees were able to continue their education which was interrupted by the Hitlerite invasion of Poland.

I remember your very active part in bringing charitable care to Polish citizens both Poles and Jews who escaping from Hitlerite revenge found assistance and temporary haven in your nice country.

I also know very well how many Poles and Jews—thanks to your personal efforts—were rescued from Poland and through secret channels transported to the Middle East and Palestine.

As Minister of the Interior and later Premier of the Polish Government in London I knew in detail how much you helped our liaison organization in Hungary connecting the underground movement in Poland, how you protected them and provided with most precious information.

I will never forget your help when you personally transported our emissaries traveling under disguise under most dangerous conditions, the emissaries who brought materials and information valuable not only to the Polish Government but also to all the Allies.

Through your great help, devotion, and sacrifices you have rendered great service to the Polish citizens and to common cause of the Allies who were engaged in a deadly fight against Hitlerism and fascism.

I wish to thank you once again for all you have done for us and to assure you of our everlasting gratitude. I strongly believe that the ties of friendship that bound us in those difficult times will continue and that after our countries are again free we will be able to demonstrate in public in free Hungary and in free Poland our sentiments and the sentiments of our nations.

I remain,

Very sincerely yours,

STANISLAW MIKOLAJCZYK, M.P.,
Former Premier of Poland, President of the Polish Peasant Party, President of the International Peasant Union.

FORTY-SECOND ANNIVERSARY OF THE PROCLAMATION OF AN INDEPENDENT UKRAINE

Mr. DODD. Mr. President, last Friday, January 22, was the 42d anniversary of the proclamation of an independent Ukraine.

Almost three centuries of czarist domination and attempted Russianization had not been able to extinguish the will to freedom in the hearts of the Ukrainian people. When the czarist regime collapsed in World War I, the Ukrainian people asserted this will by proclaiming their independence and establishing a democratic parliamentary government.

In all of their early statements, the Bolsheviks had promised the right of national self-determination to all the subject peoples of czarist Russia. But these promises were as false as all their other promises. In 1920 the Red Army invaded the Ukraine, dispersed its legal government, and inaugurated a reign of terror which persists to this day.

I am profoundly convinced that, wherever it has taken power, the tyranny of communism has won for itself the undying hatred of the great mass of people. I am also convinced that this hatred is particularly intense in areas like the Ukraine where hatred of foreign oppression combines with the general hatred of communism.

Nowhere in the vast territory of the Soviet Union has the Kremlin encountered greater or more stubborn resistance than in the Ukraine. And nowhere has the Kremlin been more ruthless. According to a study made by the Legislative Reference Service of the Library of Congress, from 5 million to 8 million Ukrainians perished in the regime-made famine of 1943. In addition, almost 2½ million were deported from the Ukraine to Siberia and other remote areas.

The policy of Ukrainianization, which the Bolsheviks tolerated for several years after their takeover, soon gave way to a policy of compulsory Russification. Why is this so? Hugh Seton-Watson, a British student of Soviet affairs, has suggested that the Soviet Government seeks the destruction of the non-Russian nationalities, not in the interest of the Russian nation per se, but rather because the totality of its power demands the destruction of national differences and the creation of a monolithic, unified, Russianized, Soviet people. Whatever the explanation may be, there can be no disputing the mass of evidence that the Soviet regime has been seeking to destroy the national spirit of the Ukrainian people by destroying their culture and progressively Russifying their language.

According to all reports, the Kremlin has not been successful in achieving this objective. After 40 years of persecution, mass murder, and cultural oppression, the Ukrainian people, more than 40 million strong, are perhaps more united than ever before in their desire for freedom and in their yearning for national independence.

May I suggest, Mr. President, that in observing the anniversary of Ukrainian independence this year, we go a bit beyond the simple expression of sympathy which has characterized our resolutions of previous years. I feel that this is a time when we ought to ask ourselves whether we are doing everything that is within our power to foster the will to liberation among the captive nations of central and eastern Europe and among the captive peoples of the Soviet Union itself.

Because of certain inhibitions that seem to be an organic part of democracy, it would be politically unrealistic to expect any American administration—or, for that matter, any democratic government—to engage in open subversion of the Soviet regime or openly to espouse the cause of Ukrainian independence. Needless to say, the Kremlin suffers from no reciprocal inhibition. But there are a number of things we can and should do to encourage opposition to the regime in general as well as the natural desire for independence of some of the non-Russian peoples.

We should remind the Bolsheviks at every opportunity how they promised the right of national self-determination when they were seeking power and how they trod this promise underfoot once they achieved power. We should in our broadcasts place emphasis on events and holidays that have special national significance. Certainly we must avoid anything which might give the impression that we accept the subjugation of the satellite states of Europe or the national structure of the Soviet Union itself as things that are final and irrevocable.

Everything that has happened since the Khrushchev visit makes me fear that we are, in effect, turning our back on the entire policy of liberation. If we do, we do so at our own risk. The dissatisfaction of the peoples of the captive nations, of the Ukrainians and the other subjugated minorities within the Soviet Union, has played a far more important role than is commonly realized in restraining the Kremlin's expansionism.

Every lapse on our part which can be utilized by the Kremlin to discourage the spirit of resistance, leaves it that much freer to engage in pressures, ultimatums, limited aggressions, and military challenges. Every measure that we take to encourage the hope of liberation is an additional deterrent to Soviet aggression, an additional assurance of peace.

We must, therefore, in the critical period which now confronts us, rededicate ourselves, in terms of concrete actions, to the goal of freedom for all men everywhere.

THE NEW RECONSTRUCTION ERA

Mr. TALMADGE. Mr. President, we have all heard the statement that there is nothing new under the sun. Two days ago the Attorney General of the United States, Mr. Rogers, unveiled his civil rights program for the election year 1960. The program unveiled by Mr. Rogers would authorize Federal courts to throw in receivership the election machinery of all 50 States of the Union. It would not only authorize the Federal courts, through someone appointed by them, to determine who could vote, but would also authorize the Federal courts to count the votes, thereby displacing the elected officials of 50 States of the Union.

I know that Mr. Rogers perhaps thought he had some bait which would be particularly attractive in an election year, but his proposal is not new. It was adopted by the Congress of the United States in 1871, during the first Reconstruction era, when the South was a conquered province occupied by Federal troops.

Now, almost 100 years after the former proposal was enacted into law—and I will say Congress was wise enough to repeal it in 1894, when reason reasserted itself—the administration has come forward with it again as bait in a new election year, for a second Reconstruction era, which would throw into Federal receivership the election machinery of not only the Southern States but also of all 50 States of the Union.

Mr. President, it amounts to nothing less than the wildest dreams of Thaddeus Stephens reincarnated. I shall address myself further to this subject at a later date.

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

Mr. TALMADGE. I yield to my distinguished friend the junior Senator from Virginia.

Mr. ROBERTSON. I wish to commend my distinguished colleague from Georgia for referring to a bill similar to the one now being proposed by the distinguished Attorney General of the United States. The present proposal is similar to what was known as the force bill, during what we call the Reconstruction Period.

Mr. TALMADGE. It was one of the force bills. As the Senator will recall, there was a series of them.

Mr. ROBERTSON. Is it not true that it authorized Federal troops, with drawn bayonets, to operate at the polls on election day?

Mr. TALMADGE. It did; and in that bill the same procedure was authorized that is now proposed. The Federal courts were authorized to throw into receivership the election machinery of every State in the Union. As the Senator well knows, we already have on the statute books of the Nation three remedies for any citizen who is qualified to vote but is not registered.

First, there is an equitable remedy which each citizen may pursue in the Federal courts in his own name. He may recover damages or seek an injunction

Second, there are criminal provisions.

Third, there is the Civil Rights Act of 1957, which authorized the Attorney General to act as the lawyer, at the taxpayer's expense, for any citizen who feels he is qualified to vote.

Mr. ROBERTSON. Is it not true that the force bill was passed as a retaliatory and punitive action against the South?

Mr. TALMADGE. That is certainly true. Under the conquered province theory, Federal troops and military governors were sent there to rule.

Mr. ROBERTSON. Is it not true that later its use in the city of New York became obnoxious?

Mr. TALMADGE. That is true. That is one of the reasons why, in 1894, the same act was repealed by the Congress of the United States.

Mr. ROBERTSON. That was when the problem reached the State of New York and the New England States.

Mr. TALMADGE. The Senator is eminently correct.

Mr. ROBERTSON. Was it not the junior Senator from Georgia who said to me yesterday that it is unfortunate, indeed, for civil rights legislation, that those who do not have the problem are the first to come forward with the remedy?

Mr. TALMADGE. They always seem to have more knowledge about how to settle problems a long way from home than how to solve those of their own States and areas.

Mr. ROBERTSON. Now we are asked to repeat the mistake which Congress made nearly 100 years ago.

Mr. TALMADGE. Exactly.

Mr. ROBERTSON. At that time the problem was in the South. A law was enacted for the South; but when the problem reached the State of New York, the situation looked entirely different.

Mr. TALMADGE. The Senator is entirely correct. When that happened, the law was repealed.

CIVIL DEFENSE—A WASTEFUL MESS AND BURDEN ON TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, American taxpayers are again being asked to shoulder one of the largest peacetime budgets in our history in order to adequately provide for defense requirements, for an expanded program of space research, and for the Nation's economic growth and well-being.

We, as elected Senators whose responsibility it is to help manage taxpayers' money, must work with fidelity and zeal to eliminate unnecessary spending and to cut out waste in Government wherever it can be found.

The most obvious place to start is with our outmoded Office of Civil and Defense Mobilization. We would have to look long and hard to find an agency in the Federal bureaucracy that is more wasteful and inefficient. About the most that can be said for it is that it provides a haven for defeated politicians, subaverage planners, and boondoggling bureaucrats.

The two words that best describe our civil defense program are "mess" and "myth."

Any relationship between this agency and a realistic civil defense program is purely accidental. It is about as realistic as Civil War cannonballs and the bow and arrow in this nuclear and space age.

A billion dollars has already gone down the drain in wasteful spending by Federal, State, and local governments on Civil Defense officials' salaries and worthless projects. Perhaps Americans should be thankful this total was not greater. The fact is that over $2.1 billion was requested by Civil Defense authorities over the past 10 years.

In return for their money, taxpayers have received chaos and confusion—$1 billion worth.

Now the President is requesting over $76 million for fiscal 1961 for this superannuated agency. This is a 50-percent increase over the $52 million that was sent down the drain last year.

During the last session of Congress, I brought to the attention of the Senate examples of the mess created by this bungling bureaucracy. I am positive that for every one cited, a hundred others are not brought to light.

For instance, in Cleveland, Ohio, while housewives are assaulted on our streets; while muggins and purse snatchings fill column after column in the daily newspapers; while some major crimes go unsolved; while Police Chief Story publicly cries out for more manpower to halt the rapid rise of crime—six Cleveland police officers are on assignment to the useless local civil defense organization.

One ablebodied lieutenant and five patrolmen, among them Vincent H. Fiebig and James P. Foley, draw full salaries apparently sitting round waiting for a nuclear bomb to drop. When members of my staff sought to reach them in recent weeks, they were told that the officers were "out in the field," wherever that is.

For Patrolman Fiebig this may be offering advice on purchasing securities during the time he is assigned to his so-called civil defense duties. He is vice president of the Suburban Securities Co., but does not hold a license to sell securities. My information is that he is presently under investigation by the Ohio States Securities Division for his activities in the security field. My friend, Mayor Celebrezze, should be advised that this appears to be his major activity.

Patrolman Foley appears to have a reputation for maneuvering his way into police department jobs somewhat removed from the scrutiny of his superior officers. In 1952 he was fined the equivalent of 500 days' pay, for being absent without leave from the police department for 28 days. While supposedly working on a confidential assignment, he was in California and was photographed with Bob Hope and Tony Martin at Paramount Picture Studios. This was exposed in the Cleveland Press, and his financial loss followed.

Returning to uniform duty, he wrangled the plum of this civil defense assignment. It appears to me, and probably it seemed to him, that here is an assignment where nobody will check where he is or what he is doing. It really does not matter except from the taxpayers' viewpoint.

It is enough to say that men, women, and children in Cleveland deserve the maximum in protection from policemen on active duty. If they knew the facts, they would resent the featherbedding of these six men assigned to the ridiculous, worse-than-useless civil defense organization.

Many fine officers of the Cleveland Police Department daily and nightly risk their lives on the streets of Cleveland and deserve the support in added manpower that can be bought with the $35,000 or $40,000 paid annually to this civil defense detail.

The civil defense organization in Cleveland and surrounding Cuyahoga County has an annual budget of $250,000. Recently, this outfit, headed by John Pokorny, purchased over 300 yellow raincoats and boots for use in case of emergency. At the same time, this organization had no plans for participating in a Nationwide Civil Defense Day set for December 7, 1959.

Perhaps Wilson G. Stapleton, mayor of Shaker Heights and, as such, acting civil defense director of the suburban community and great progressive city of Shaker Heights, where I have lived for years, put it most succinctly when he said he did not know how these coats and boots would be very important in case of an emergency. He further was quoted as saying he was going to keep his in a closet in his office along with the civil defense flag he is supposed to put on his car. If the Soviet Union or forces of Red China attack Cleveland or suburban Shaker Heights as a prime target, then our mayor has a yellow raincoat, boots, and a civil defense flag. According to Mayor Stapleton, the whole civil defense operation leaves a sad taste in his mouth.

These are just a few of the examples of the mess created by civil defense authorities on the local level. Such ridiculous excesses would never occur but for the encouragement given local and State governments by the Federal agency, an ever-growing bureaucratic octopus continually extending its tentacles into phases of governmental activity.

A perfect example of this is the new gleaming 3,200-foot concrete airstrip at Ohio University in Athens, Ohio. The only hitch is the university does not own an airplane. This concrete strip has never been used, and will never be used.

This $195,000 airstrip was supposed to handle civil defense air traffic when the university was named last year as the emergency seat of Ohio State government. However, Athens is no longer the official emergency civil defense capital. There is now no specific site. Let us

hope that these defeated politicians heading the Nation's civil defense and drawing high salaries, do not select some other site in Ohio and build another civil defense airstrip, at additional cost to the taxpayers.

What is more, the Cleveland Press of September 28, 1959, reported that until a reporter told him, Thane M. Durey, deputy director of Ohio civil defense, admitted he did not even know about the new emergency airfield. Incidentally, not one civil defense official in Ohio has a shelter in his own backyard or in his basement, despite the fact that along with Gov. Nelson Rockefeller and others they have been urging their fellow Americans to build such shelters.

Although this useless airstrip was not paid for with Federal funds, it is the policy of the Federal Civil Defense Agency to encourage more State participation, and evidently this brings about such ridiculous situations and a waste of taxpayers' money.

It is the program on the national level, supported by taxpayers' money, that spawns the growth of State and city organizations and aids and abets wasting money.

If we cut off the head of this outmoded octopus here in Washington, its wasteful satellites in State and local government will soon wither away.

During the last fiscal year, the Congress wisely refused this agency $12 million it requested for matching the personnel and administrative expenses of State and local civil defense organizations. The $12 million throwaway would have permitted the Civil Defense Agency to pad its rolls with an additional 4,000 unnecessary paid personnel in city halls and county courthouses throughout America.

I note that this year's budget contains a request for the same appropriation. It would be folly to throw open the public trough to an agency with such an inexhaustible thirst.

Do we need more useless airfields?

Are more boots and raincoats purchased with taxpayers' money for auxiliary civil defense workers necessary?

Must we encourage our cities to assign more policemen to useless but costly civil defense details?

The Nation has survived the year without the additional 4,000 gravytrain riders, and I daresay we shall manage to get along without them during the next. It is my fervent hope that we not only restrict such wasteful expenditures, but further curtail the amounts of last year's oversized appropriation.

On all levels our civil defense preparedness is a myth. When the sirens blow at 12:15 p.m. each Monday in Cleveland, and at other times in other cities across the Nation, they seem to ask, "What earthly good is civil defense as it is now being practiced?" No one seems to know whether he should run, hide, or both, or just go to the nearest cocktail bar.

Mr. President, civil defense is a matter entirely for the Armed Forces. Defense of civilians, in event this Nation should be involved in a nuclear war with the Soviet Union, is, in fact, a most important factor in the Nation's defense.

Immediately, in event of a surprise attack or a declaration of war, the Commander in Chief—the President of the United States—would declare a national emergency; the Armed Forces would take over—as they should—and political hacks, hasbeens, and other paid civil defense officials—civilians with armbands—would not be permitted, and should not be permitted, to interfere with the movement of our Armed Forces nor to direct any important part of our national defense effort.

Paid civil defense officials have been utterly useless up to this good hour in situations of fires, floods, and havoc caused by windstorms.

Many Senators have served in the Armed Forces of our country, and can visualize what a hard-boiled Army sergeant would have to say, in time of an emergency and attack, if a civilian wearing an armband tried to interfere with the movement of our Armed Forces.

High-salaried civil defense officials have made no sacrifices whatever. Those devoted civil defense volunteer workers are the only ones who have made sacrifices or sustained injuries in recent years in times of floods and other catastrophes occurring in various localities. Our citizens, as auxiliary policemen and deputy sheriffs, have always come forward to help their neighbors in such times, and will continue to do so.

In Canada, in England, and in other nations, civil defense as we know it in our States and Nation, has been abolished and a branch of the army entrusted with the defense of civilians.

Mr. President, experience keeps a dear school. We should have learned by now. Civil defense, as it has been conducted throughout the past 10 years, has proven worthless. It should be scrapped. Taxpayers' money, thus saved, could be diverted to useful purposes or to reduction of our national debt.

ADEQUATE NATIONAL DEFENSE—ADDRESS BY SENATOR JACKSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the address delivered today by the Senator from Washington [Mr. JACKSON] before the American Legion's national security commission.

This address is of great interest to the Senate. It deals with the central problem of our time: Can our free society sustain the great national effort required to outperform tyranny. In particular, the Senator from Washington has raised vital questions about the adequacy of our defense program.

Mr. President, I urge the Members of the Senate to read and ponder this important address.

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

ADDRESS BY SENATOR M. JACKSON, DEMOCRAT, OF WASHINGTON, BEFORE THE NATIONAL SECURITY COMMISSION OF THE AMERICAN LEGION AND OFFICIALS OF THE AMERICAN LEGION AUXILIARY, THURSDAY, JANUARY 28, 1960

Mr. Chairman and friends, I should like to express my appreciation for the opportunity to address you this morning.

Some of us in Congress have been working for many years in the cause to which you are pledged—adequate national defense. In our efforts on Capitol Hill, we rely heavily on the help and support of members of this Commission.

At this time of year, it is customary to address oneself to the defense budget—to see what items are included, what is missing, and what ought to be added.

Let me say immediately that I intend to try to remedy deficiencies in the defense program in four major areas:

1. We should provide more funds to reduce the vulnerability of our forces-in-being.

Fifteen years ago the superiority of this country in atomic weapons provided a positive deterrent to major war. Today, our edge over the Soviet Union, if any, is slight—and the time is nearing when this Nation's deterrent forces will be vulnerable to Soviet strategic attack—unless we take emergency measures.

The present budget puts too little emphasis on the programs to protect our deterrent in the critical period just ahead.

Programs which are in serious need of funds include those to obtain—

A better early warning of missile attack;

Further dispersal of SAC; and

An around-the-clock airborne alert of our SAC heavy bomber fleet.

Speaking of economy in Government. Had even a portion of the sum required to take these emergency measures been invested in the race for the intercontinental ballistic missile, at an early stage, we would be more secure today, and at far less expense.

Take this one immediate example of the price we have to pay for this false economy. I am informed that a continuous airborne alert of a substantial number of the heavy bomber fleet will cost not less than $1 billion for the first year of operation.

2. We should move faster to a truly invulnerable system of retaliatory power that the Soviets know to be invulnerable.

The risk of surprise attack and total war will be radically reduced when we have, in being, an invulnerable retaliatory striking force capable of surviving a first strike and dealing a devastating second strike.

The most invulnerable deterrent now in sight is the ballistic missile buried in the earth, mounted on mobile railroad cars, and carried on nuclear submarines. In particular, I have in mind the solid-propellant Minuteman missile and the Polaris submarine system.

Funds should be added to accelerate both these programs.

In view of the long lead time in the building of Polaris submarines, I am recommending the speedup of the Polaris system by adding 7 submarines, making a total of 10 in the fiscal year 1961 budget.

The point is, once we have committed a major share of our defense effort to a vital weapons project, we have to push that project to fruition without delay. Unfortunately, the Defense Department often acts like an improvident farmer who plants but will not weed or fertilize—the starved and stunted crop is too little and too late.

3. We should restore the Army to 15 full divisions and accelerate the program of modernization.

Our most immediate military danger is the Soviet-inspired probe and penetration. And as we reach a period of strategic stalemate, where both we and the Soviet Union have relatively invulnerable strategic forces capable of surviving surprise attack and dealing a devastating counterblow, the danger of the Communists nibbling away will be increased.

Even if the Soviets were to cut their ground troops as Khrushchev claims over the next 2 years, they would still have three times as many soldiers as we have.

Yet, this country has relentlessly cut its Army from 20 divisions to 18, then to 15, and now down to 14.

Furthermore, our troops are shackled by World War II equipment and lack of mobility.

We ask the nations who are under the muzzles of Soviet guns to resist the powerful and often superbly equipped forces across their frontiers; we pledge our assistance. Yet we would be hard pressed to move only one division by air transportation, and these countries, and the Soviets, know this fact.

We have high quality new equipment going into production, but our production is too little and too slow. In certain key categories of modern weapons the Soviets have 3 to 10 times what we do.

On top of everything else, of the $382 million Congress added to the budget last year for modernization, the administration is spending only $43 million for that purpose. One hundred and sixty-four million dollars has been diverted to other purposes, and the remaining $175 million has been impounded.

What a way to assure a modern army.

4. We should provide more funds to assure a vigorous research and development effort on critical new weapons and space projects.

A rise in research and development funds is proposed in the present budget, but not enough.

We need major breakthroughs in such fields as antisubmarine warfare, reconnaissance, and communication satellites, and defense against missiles, as well as in the broad field of basic research. Unless more money is provided there is danger that new requirements will not be met, or that they will be satisfied only at the expense of important existing projects.

We live in an age when our security depends on scientific achievement. Just as every progressive corporation that wants to get ahead must invest heavily in research and development, so today must a wise and prudent government.

As you know, my friends, I have maintained for years that our defense program has not been big enough, bold enough, or soon enough. My concern with our defense posture started long before the present administration took office. Of course, we should now be moving faster and on a broader front than we are.

But we must not assume that the only problem of our day lies in the defense budget. The real problem confronting us is not that simple, or easy.

Our real problem is the total Soviet challenge. The free world is on trial for its life—in a struggle that is novel in nature and unprecedented in its demands.

Mr. Khrushchev calls the contest peaceful competition. He takes it almost for granted that the Communist world will soon lead us militarily. But this is only the start of his plan. The Communists propose to have better factories than ours, better scientific laboratories, better schools, better houses, better farms, better cities, and a higher standard of living than ours.

By outdoing us in one field after another, the Communists intend to show the world that their system is the winner and that there is no real alternative except to join up with them.

The Communists do not conceal the seriousness of the challenge they pose. On the contrary, they print it on banners in letters a foot high, "To overtake and surpass the United States."

My thesis today is simple: Failure to outperform tyranny will be as fatal as defeat in all-out war. We can outperform the adversary, but not the way we are going.

Let us look for a moment at the record.

We are losing ground on the military front.

Our strategy of deterrence has rested upon offsetting Soviet quantity with American quality. It has depended upon our lead in advance weapons systems—nuclear firepower, high-performance aircraft, and missiles.

Fifteen years ago our advanced weapons lead was incontestable. Today it requires all the literary skill of a battery of Pentagon speech writers to show that we are ahead in any area, and they aren't very convincing.

First, we said we would not try to match the Soviets man for man. Then we said we would not try to match them tank for tank. Next, we said we would not try to match them plane for plane. And now we say we will not try to match them missile for missile.

In what will we try to match them, my friends?

We are losing ground on the economic front.

The Soviet economy is growing much more rapidly than ours, and more steadily, uninterrupted by the recessions which from time to time reverse our upward trend.

Administration spokesmen assure us that we will still be able to outproduce the Soviets in 1970. This is scarcely news. The question is: What is the outlook a little further ahead?

Responsible economists say that if present trends continue, it is entirely possible that Soviet economic output may exceed ours within the next generation.

Today, with a gross national product less than half ours, the Soviets already match us militarily and they successfully wage economic warfare on battlefields of their own choosing. With their lower living standards, and much lower production of consumer goods, the Soviets are now formidable competitors in the priority items of survival. If this in 1960, then what of the future?

We are losing ground on the scientific front.

In 1945, our scientific lead was clear. Today, the Soviets have almost caught up. They have registered four stunning scientific firsts—first to achieve the intercontinental ballistic missile, first to orbit a satellite, first to send a rocket to the moon, and first to photograph the far side of the moon.

Despite all our speeches about the importance of scientific education, the Russians continue to graduate scientists and engineers at a rate twice our own. Perfectly qualified and cautious men predict that they will surpass us scientifically in the next decade.

We are losing ground on the psychological front.

With the ICBM and sputnik, Moscow successfully struck at the heart of America's prestige—its heretofore undisputed industrial and technical superiority.

I can speak from personal experience in this regard. Just 4 years ago, I warned that the Soviets were winning the race for the ballistic missile. I said we need not assume that Moscow would actually use such missiles in atomic war. Their purpose, I argued, was twofold: first, to stockpile the missile in their military arsenal; second, to bid for the imagination of peoples by showing scientific and industrial superiority to the United States, and to use the fearful new weapon for ballistic blackmail.

Do you know how the Defense Department responded to my warning? They answered: the ballistic missile "does not kill you any deader than a bomber does with an atomic bomb." That is how well the Defense Department evaluated the military and psychological implications of the most important weapon of our age.

Then came sputnik. Talk about economy in Government. I wonder how many billions of dollars of prestige it has cost us—because our Government thought orbiting a satellite was just one more technical achievement, without special significance.

The psychological effect of being the first to put a man in space cannot be underestimated. It will have an enormous impact on the underdeveloped world and on the Russian people as well—if they do it first.

There are those who say that the remorseless growth of Soviet power and influence cannot continue at the present rate, or that the Russians and Chinese will fall to quarreling among themselves. These things might conceivably come to pass.

But our plans cannot be based on that assumption. They must be founded on the hard record of the past, and on an objective reading of the foreseeable future.

As of now, the situation is clear: our own power, as against that of the Soviet Union, is in decline. We are going downhill. The process so far has been cumulative and accelerating.

The results of a continuation of this process should be abundantly clear:

First, Soviet foreign policy will become bolder, more adventuresome, and more difficult to deal with. They will have more power, of every kind, for carrying out their plans.

Second, our allies will become less and less willing to stand up to Communist pressure. They will be more and more tempted to make concessions and deals.

Third, the example of Soviet success will progressively attract the in-between nations which want to join the winning side, and the backward peoples trying to decide which side their bread is buttered on. At the same time, underdeveloped countries will increasingly be subject to Communist penetration through aid and trade.

Fourth, we shall be compelled to negotiate with the Soviet Union from a position of increasing weakness. President Eisenhower may not think the lag in missiles and space will affect his decisions at the forthcoming summit meeting. But Mr. Khrushchev, our allies, and the rest of the world will be well aware of the deficiencies in our bargaining power.

Fifth, the cumulative effect of growing Communist power and weakening American power will be a progressive loss of abiilty to influence events, and a chain reaction of defeats for freedom.

As a nation, we have not begun to grasp the magnitude of the peril. Some spectacular Soviet advance, like the first sputnik, occasionally jolts us. Worried letters are dispatched to congressional offices, and our newspapers write troubled editorials. But that which was plain and clear in the hour of shock is soon forgotten. Our Government officials issue elaborate apologies, proving that two and two did not really equal four after all.

My friends, what can we do about it?

Can a free society generate and sustain the great national endeavor required to outperform tyranny? This is the crucial question.

I believe we can. But to do it we shall have to fulfill some tough conditions.

One thing is clear: We must recognize that this is a contest-for-keeps.

Trus, it is not a hot war. But the stakes are the same—the survival of free institutions and the shaping of the international order.

Freedom and all we stand for will be equally dead if the Communists win out by any method—be it the brutal violence of a shooting war or the erosion of our strength through a series of bloodless victories.

A second thing is clear: We will have to make a supreme effort—and become again the aroused, confident and purposeful people which, at our best, we are.

When a Hitler strikes for world domination, free men spring to arms in defense of their liberties. They fight and work with an irresistible will to victory.

Think back to what we accomplished in Word War II. Between 1940 and 1944 we increased the real value of our gross national product by 55 percent, and while putting 11 million men into uniform and sending them

all over the world, we were still able to increase the real consumption of goods and services by about 11 percent during that period.

And this Nation has proved its ability to make the supreme effort in more than wartime. The spirit of an American people who discovered and tamed the vast western frontier, who built and maintained a great democratic society, who mastered the challenge of the industrial age and developed the highest standard of living in the world—such a spirit can and must be applied to the present struggle.

This contest will not be won by a business-as-usual approach. The challenge is worthy of our best, for it is aimed at our best.

A third thing is clear: We must have a national strategy for survival in freedom.

No struggle, whatever its nature, can be won without a strategy for winning.

And what is our strategy? Is it a balanced budget? Peace and prosperity? No battle was ever won by slogans, speeches, or soothing cliches.

At no time are the national tasks presented in terms that are meaningful to the men and women on our farms, in our universities, our shops, factories and mines, to children in school, and to housewives.

It is far more difficult to sustain a long-drawn-out effort than to perform the dramatic duties of a shooting war. Khrushchev knows this and is banking on it. All the more essential, therefore, is the development of a clear and convincing plan of action.

Our people must be told what is required of them. The Congress should be given a clear idea of what our purposes are and how we propose to achieve them.

I believe the effort to develop a national strategy and the public discussion accompanying the effort would do much to create the unity of purpose and the national will needed for success.

A fourth thing is clear: We must improve our organization for making and executing national strategy.

It has been almost 13 years since we took a look at the basic problem of how we should organize to make and execute national security policy. The National Security Act of 1947, which created the Department of Defense and the National Security Council, was essentially a codification of the experience of World War II. The years following the passage of that act, however, have seen radical changes in the nature of the tasks confronting our Nation.

With this in mind, the Senate last summer authorized a comprehensive review of our national policymaking machinery. The Subcommittee on National Policy Machinery, of which I have the honor to be chairman, was instructed to study the effectiveness of present policy machinery and methods. The President has assured the cooperation of the executive branch with the subcommittee work, and the review is being conducted throughout on a nonpartisan basis. Serving with me in the study are Senator HUMPHREY and Senator MUNDT.

In February we start a comprehensive set of hearings, looking toward recommendations and legislation for constructive reforms.

We are seeking ways to define national goals, and to arrive at policies to move toward our goals, including a master program of requirements and priorities. We want a government that will develop the capabilities required for success, and then will use them skillfully and stubbornly until the foundations of a just and peaceful world have been securely established.

A fifth thing is clear: We must determine our national requirements and then find economically sound ways to meet them.

Government officials tell us these days that "fiscal soundness" keeps us from making a larger effort.

Everybody favors fiscal soundness. But an arbitrary limit on survival programs is not fiscal soundness at all—it is national folly.

Could there have been anything more unimaginative than the defense budget ceiling of $14 billion in 1950—just before the Korean attack? In 3 years we had to treble our defense program, and we have held it at about that level ever since. Now even a $40 to $41 billion defense program is too small.

Suppose a man's life depended on an operation, and he was willing to pay the doctor $400 but not $500. Would that be fiscally sound?

Our requirements should be provided for in ways that are fiscally sound, rather than fiscally unsound. In other words, we must pay our way. That is all that fiscal soundness means.

We should determine our needs in the light of the danger. Then we must find fiscally sound ways to meet those needs—by expanding our economy and, if necessary, by providing more funds through additional taxes.

There is no question about our country's ability to pay the amount it will take to put us back in first place. We can afford to survive.

Let me say merely this in conclusion:

Our country now bears the main responsibility of turning back an historic challenge to freedom and of leading the world to a better age.

Our need in these days is for vision to see the danger as an opoprtunity and for the strength to persist.

Soviet ambitions will not be checked by military deterrents alone. We must also be fit for the contest of will, the clash of ideas, and the test of worth which lie ahead. It is only our best effort in every task that will build the overall deterrent to disaster.

This is no time for rosy speeches. This is no time for complacency.

This is a privileged time. We are trustees of all the confidence of mankind in the future. Ours is still the chance to redeem the trust.

NO EASY CURES FOR JUVENILE DELINQUENCY

Mr. HENNINGS. Mr. President, for over 35 years now, I have been active in youth work. I firmly believe that one of the most challenging and pressing tasks facing us today is the need to find ways and means for rehabilitating hundreds of thousands of youngsters who get into trouble each year. Perhaps even more important is the need for seeking explanations for the wave of juvenile misbehavior we are now experiencing, for it is only through discovering some of the causes that we can hope to help today's youngsters out of their dilemma and prevent tomorrow's children from falling into the same trap.

As chairman of the Senate Subcommittee To Investigate Juvenile Delinquency during the past 3 years and a member since its inception 6 years ago, it has become painfully evident to me that today we are not dealing strictly with childish misbehavior. In the past few years—and the tragic incidences are increasing all the time—we have seen a sharp rise in murder and mayhem committed by young teenagers.

We have only to recall last fall's outbreak of juvenile violence in many cities throughout the country, to realize that all too often juvenile delinquency can more adequately be called juvenile crime. Why just the other day here in the Nation's Capital, a gang of eight juvenile thugs were arrested and charged with a series of vicious, senseless chain beatings.

All too often, however, people are inclined to think that juvenile delinquency and crime is peculiar to large metropolitan areas. This simply is not true. For several years now, FBI statistics have shown sharper increases in juvenile delinquency in rural communities than in large cities.

Evidence of the concern being voiced throughout the country over the very real problem of juvenile delinquency can be seen in editorial comment from widely separated parts of the country.

Mr. President, I ask unanimous consent that two of these editorials, one entitled ""On the Nature of Juvenile Delinquency," from the Little Rock Arkansas Gazette; and one entitled "Urban Jungles" from the Portland, Maine, Press-Herald Telegram—reprinted from the Washington Post—be printed at this point in my remarks.

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

[From the Little Rock (Ark.) Arkansas Gazette, Sept. 28, 1959]

ON THE NATURE OF JUVENILE DELINQUENCY

J.D., as juvenile delinquency is coming to be known through our dreary affinity for easy abbrevations (and easy solutions), is a problem so tangible in its effects but so nebulous in its causes that everybody—which is to say, nobody—has a solution.

At a very minimum, it would seem, juvenile delinquency must be addressed at two levels—that of the group and of the individual.

It is the group approach that must necessarily engage most of the attention of the special Senate committee which has just opened new hearings in New York under the chairmanship of Senator HENNINGS of Missouri, who, by one of those miracles of the democratic processes, may well be the U.S. Senator best equipped for this particular type of investigative task.

In quite a large sense, the extreme manifestations of juvenile delinquency we now are witnessing in the larger cities of the North form but one more rumble—excuse the expression—in the long medical history of digestive upsets that have followed the absorption of immigrant groups in New York and other cities.

Because the patient has rallied before, after having been writtin off, does not mean that the present ailment could not turn malignant if it should be allowed to go undiagnosed and unchecked. This is why we already have heard talk of a new Federal agency to combat juvenile delinquency, an agency which, again almost by definition, would have to be most concerned with the group approach.

The immigration problem in the North today includes not only the Puerto Ricans, but southern Negroes and, distressed as they might be to realize it, southern poor whites. Although there is integration in some New York street gangs, and apparently little prejudice on an individual, man-for-man basis, there is no doubt that racial, cultural, and religious differences are an important factor in the street gang warfare. But then they always have been. For example, Mae West, in her autobiography, has recalled that almost 50 years ago, when members of Brooklyn's "Eagle Nester" and "Red Hook" gangs fought a pitched battle over her.

The "birch" may, in fact, offer part of the answer, but we must realize that we cannot go back to one feature of the Victorian period—the woodshed—while moving even farther away from that period in other ways.

The Victorians kept parental discipline, after a fashion, but they also were more prone to discipline themselves. For example, going into debt was regarded as being almost as unthinkable as what today is called going on relief.

Yet today authorities pretty well agree that the mother who goes out to work to help the family budget is a major contributing factor in the whole, broad problem of juvenile delinquency. At the same time, all of us know women who are successful "working mothers" in both important senses of the word.

The starting point for any individual approach to the problem is the parents' constant awareness that the child is an individual. This is, only incidentally, a good starting point for any problem between humans of any age. It is only when our individuality goes unrecognized elsewhere that we seek to sublimate it by traveling in packs.

In the case of children, recognition involves more than a vague permissiveness to do as they please or a random clout on the ear when they overstep undefined bounds. At the same time, it can involve nothing more than an unforced awareness that the child in question is there, and the child's own constant awareness that his parents know he is there and are concerned about what he does, what he believes, and what he thinks.

One of most touching of many touching moments in the film classic, "How Green Was My Valley" was the moment when the father, sitting at the table with his youngest son and his worries, head down, looks up at an immoderate bit of noise having to do with the child's bowl and spoon and says simply, "Yes, son, I know you are there."

[From the Portland (Maine) Press-Herald Telegram, Sept. 29, 1959]

URBAN JUNGLES

The hearings on juvenile delinquency now being conducted in New York City by a Senate Judiciary Subcommittee under the chairmanship of Senator HENNINGS can be immensely serviceable to the Nation. They deal with a most disquieting contemporary phenomenon—the rise in great cities all over the country of a kind of jungle warfare carried on with unprecedented ferocity by youthful gangs tragically alienated from their communities. Senator HENNINGS has stated the situation in these terms:

The past decade has seen a sharp yearly rise in unprovoked attacks by juveniles, especially of the "rat-pack" or gang-type assaults. We are not dealing here with the usual type of juvenile delinquent: the social rebel who may need only a little firm guidance to set him straight. We are dealing with teenage terrorists; actual and potential murderers who derive pleasure from beating, torturing, maiming, and killing.

There has been a spate of stories lately, originating from Washington as well as from New York, to substantiate this estimate. They report a kind of violence which seems at once senseless and sadistic—violence for its own sake rather than as a means to some other end. But to characterize it, as Senator HENNINGS has done, is merely to observe the symptoms of a disease. And to deal with it, as so many authorities have suggested, through more vigorous police action, is to deal solely with the symptoms, leaving the underlying causes uncorrected. The subcommittee's inquiry, it must be hoped, will discover the causes and propose some more realistic remedies than a counteracting police violence.

It should be noted in this connection that the police commissioner of New York, Stephen P. Kennedy, appears to have kept his head while all about him were losing theirs and blaming it on him. He refused to resort to dragnet arrests, blind toughness, or other shortcuts involving trespasses on legal and constitutional rights.

While police vigilance is undoubtedly necessary to keep the juvenile gangs under control, it is vital to recognize that the root of the problem lies in giving these youngsters—largely Negroes and Puerto Ricans—some sense of status and place in the community, some sense of commitment to its values and participation in its life so that they do not feel themselves wholly outcast and driven to seek status in defiance, hatred, and brutality.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The CHIEF CLERK. A joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

NEEDED: EARLY ACTION ON NORTH AMERICAN BROADCASTING AGREEMENT AND BROADCASTING AGREEMENT WITH MEXICO

Mr. WILEY. Mr. President, currently there is pending before the Senate Foreign Relations Committee two proposed international agreements: First, the North American Regional Broadcasting Agreement and second, the Broadcasting Agreement With Mexico.

Generally, the agreements would establish a pattern for utilization of radio frequencies in the standard broadcast band between 535 and 1605 kilocycles by prescribing engineering standards, procedures, classes of stations, radio frequency priorities, and similar regulation by participating countries.

These include Canada, Cuba, the Dominican Republic, the United Kingdom—for Jamaica and the Bahamas—and the United States. Provision is also made for the adherence of Haiti to the agreements.

The need for the agreements arises out of the basic fact that airways do not stop at international boundaries. With the tremendous growth of the broadcasting industry, nationally and internationally, there is a need for assuring the least amount of interference by stations in one nation with stations in another nation.

We recognize, of course, that once such treaties are ratified, our stations will necessarily be required to operate within their confines with whatever problems that may arise from such limitations.

In the interests of protecting all segments of the industry—for example, that of the daytime broadcasters who seek from time to time to extend their broadcasting time—I hope the subcommittee will make a real attempt to find answers to the objection which has been raised.

Despite the objections, however, there is widespread feeling in the broadcasting industry that the agreements should be approved.

As I understand, the matters are scheduled for consideration in early executive session by the special subcommittee established for the consideration of the treaties. I respectfully urge, in view of the 10-year period during which this matter has been under consideration that it be handled expeditiously and reported as early as possible.

Having received a number of communications from outstanding stations in my home State of Wisconsin, I request unanimous consent to have printed at this point in the RECORD the following items: First, messages from Wisconsin stations urging approval of the agreements; second, an editorial from the January 25 issue of Broadcasting magazine, entitled "NARBA, Now or Never"; and third, a résumé of "Reasons for Supporting Ratification of NARBA and the Mexican Agreement," prepared by Mr. Hollis M. Seavey, director of Regional Broadcasters.

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

WTMJ-TV, WTMJ, WTMJ-FM,
THE MILWAUKEE JOURNAL STATIONS,
Milwaukee, Wis., January 14, 1960.

Senator ALEXANDER WILEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILEY: I am writing to you as a constituent and as a broadcaster in the hope that you will interest yourself in the matter of the North American Regional Broadcasting Agreement and the Mexican Broadcasting Agreement.

Because of the importance which I as a broadcaster attach to the aforementioned agreements I have taken considerable time over the past several months to acquaint myself with the background and history of the negotiations as well as the broadcast principles upon which they were founded.

From all I can gather, the negotiations were consummated by our State Department and Federal Communications Commission people with considerable distinction and potential benefit to the United States and its citizens.

It is understandable that some broadcasters or small groups of broadcasters, as reflected in the hearings before the subcommittee, should have some objection to the agreements. However, it is my firm belief—and I am of the opinion that the State Department and the FCC feel the same way—that these agreements by and large are in the best interests of the broadcasting industry as a whole. Most of my background information comes from a publication by the Government Printing Office of the hearing before the subcommittee of the Committee on Foreign Relations, U.S. Senate, 86th Congress. As a member of the Foreign Relations Committee I presume you are acquainted with the document.

It is obvious to any broadcaster that sound waves or electronic waves cannot be captured within boundaries and that, under the circumstances, there must be some working agreement between parties concerned to forestall any inevitable chaotic situation. The history of U.S. broadcasting will show numerous periods of annoying foreign interference to the detriment of our citizens and our broadcast service. It is only because of working agreements between the countries concerned that the situation over the past several years has been amicable.

The agreements in question have been sitting in the Foreign Relations Subcommittee for the past 9 years and, as I understand it, it has been only by the goodwill of the

other countries involved that interference difficulties have not arisen. One cannot wonder at the adverse diplomatic effect on the goodwill of our neighbors because of the inaction of the committee and the Senate. Certainly one would expect that it should not take almost a decade for a great country such as ours to make up its mind in an area in which there must be an international agreement if any sort of adequate broadcasting operation is to exist. One would feel that it would be difficult to explain to neighbors why action has not been taken. One would likewise feel that the inaction of the United States would give cause to a feeling on the part of those who have already signed that they should go their separate ways without consideration for the United States. If this attitude should pertain it could only result in exceeding harm to broadcasters on clear channels, regional channels such as that owned by my company, and hundreds of local operations lying within border areas.

The exact interference which would be caused to a station can only be pointed out case by case by competent engineers, but it is not unreasonable to believe that all stations lying within our great State of Wisconsin could be adversely affected by interference from stations in Canada if that nation chose suddenly to increase power on certain of its wave bands, or grant additional stations on wave bands not now being used because Canada has thus far upheld the letter of the treaty. The interference would reduce the listenable signal of Wisconsin stations and thus reduce service to the people of the State. It would be tragic if this were allowed to happen.

There is a general feeling, as I have sensed it, among competent people that in the agreements the United States has come off exceedingly well. It seems to be the general belief among competent people that if an inevitable chaotic state did not result from the U.S. Senate inaction we would at least have to renegotiate an agreement which would in all likelihood result in something less than we now have. In other words, delay is jeopardizing the future status of radio in the United States.

I urge you to do all you possibly can to clarify this matter. The broadcasting industry cannot exist without an agreement between neighbor nations. It is intolerable to think that the United States has waited this long without taking action in an area where chaos is the only alternative to mutual understanding. If the U.S. Senate does not feel, after proper discussion of the matter, that the agreements can be ratified then it must direct the proper parties under our Constitution to carry on negotiations which will be satisfactory to it. If only in the interest of international goodwill, it would seem to me action is a must.

Sincerely,

GEORGE COMTE,
General Manager of Radio and Television.

RADIO STATION WKBH,
La Crosse, Wis., January 20, 1960.

Senator ALEXANDER WILEY,
Washington, D.C.

DEAR SENATOR WILEY: This letter is written to urge you in all sincerity to vote and work for the ratification, without reservation, of the North American Regional Broadcasting Agreement and the Bilateral Agreement Between the United States and Mexico.

I know you are already familiar with the main points of these agreements. As you know they give the Federal Communications Commission complete freedom of action in its domestic allocations policy. This feature alone is of great value to U.S. daytime radio stations which can petition for changes in their facilities without fear of international complications. We in the industry believe that if attempts were made to negotiate new agreements with the countries involved, several unpredictable years would elapse and the U.S. broadcasting industry would end up either with no agreements or ones with terms much less favorable than those contained in the present agreements.

I believe it should be pointed out to you that since practically all radio transmitters are located in or adjacent to cities or towns, and since these agreements are intended to prevent interference between stations of our country with stations of other countries parties to these agreements, that the chief area where such interference could take effect are those areas some distance from the transmitters. This of course is because of the fact that radio signals get weaker as you get further from the transmitter. For this reason, if and when any interference should result, it would undoubtedly take place some distance from the radio transmitter and its location would be in the rural areas of our country. You are very well aware that radio is a very important part of the lives of these people.

For this reason and the other reasons mentioned I trust that you may see fit to work and vote for the passage of these agreements.

Very truly yours,

HOWARD DAHL,
Manager.

GREEN BAY PRESS-GAZETTE,
Green Bay, Wis., January 21, 1960.

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: We are very much concerned about the North American Regional Broadcasting Agreement and the Bilateral agreement Between the United States and Mexico.

We understand that the hearings on this agreement are to begin on January 25 and I regret that I cannot be there in person. I am convinced that ratification is essential to the national public interest as well as to the individual business interest of each and every broadcaster.

As a member of the Senate Committee on Foreign Relations I thought you would like to know how we feel about this at home, and hope you will do all in your power to assure the ratification.

Yours respectfully,

JOSEPH HORNER, Jr.,
General Manager, Green Bay Press-Gazette and Radio Station WJPG.

MILWAUKEE, WIS., *January 27, 1960.*

Senator ALEXANDER WILEY,
U.S. Senate, Washington, D.C.:

We urge immediate ratification of North American Regional Broadcasting Agreement and broadcasting agreement with Mexico without reservations.

We would appreciate your making this wire part of the record of your subcommittee hearing which we understand is open until 5 p.m. Friday.

JAMES T. BUTLER,
Vice President and General Manager,
WISN–Radio, Milwaukee.

LA CROSSE, WIS., *January 27, 1960.*

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D.C.:

We urge immediate ratification North American Regional Broadcasting Agreement and broadcasting agreement with Mexico without reservation.

Please make this wire part of the record of your subcommittee hearing.

HERBERT H. LEE,
Radio Station WKTY,
La Crosse, Wis.

EAU CLAIRE, WIS., *January 27, 1960.*

Senator WILEY,
Washington, D.C.:

We urge immediate ratification North American Regional Broadcasting Agreement and broadcasting agreement with Mexico without reservations.

Would appreciate you making this wire part of your record of your subcommittee hearing now in progress.

LEO HOWARD,
General Manager, WEAU–TV.

NARBA NOW OR NEVER

All but lost in the turmoil involving broadcasting is the 10-year-old treaty on AM broadcasting on the North American Continent which has languished before the Senate Foreign Relations Committee. Failure to ratify the NARBA treaty, and the collateral 1956 agreement with Mexico, at this session could trigger an allocations war of indiscriminate channel-jumping with disastrous effects on reception.

The Daytime Broadcasters Association, which asserts representation of some 250 of the 1,700 stations now operating from sunrise to sunset, has openly lobbied against Senate ratification. Two bills are pending to instruct the FCC to authorize 6 a.m. to 6 p.m. operation. The FCC, the State Department, and virtually all other entities in AM radio, have implored the Senate to ratify the agreements or invite chaos. But the daytimers have been able to muster sufficient strength to block action.

There has been one significant development, however. The regional stations, which heretofore have put up no organized resistance, have now established regional broadcasters for the avowed purpose of fostering Senate ratification. At long last, they realized that while the daytimers have ostensibly sought fixed hours only on Mexican and United States clears, the legislation they espouse would strike at domestic regionals, and without directional or any other protection. The FCC has twice rejected the daytimers' proposals, so they now seek from Congress what they cannot get from the expert body charged with the responsibility of providing maximum interference-free service to the public.

The daytimers cannot be criticized for wanting to improve their lots, notably during the most lucrative radio hours. But they should not seek to do it at the expense of old-established services or through legislative pressure. The new Regional Broadcasters, organized at the call of Payson Hall, director of broadcast properties of Meredith, has no simple task, because it is easier to block legislation than to enact it. Ratification hearings begin today (January 25) before the Senate Foreign Relations Subcommittee.

Among the regionals are many of the old-established and most respected stations. This is their opportunity to cite the facts. And there isn't too much time in which to do it with Congress eyeing adjournment by July.

REASONS FOR SUPPORTING RATIFICATION OF NARBA AND THE MEXICAN AGREEMENT

1. The agreements establish international regulation in the standard broadcast band. Countries signing the agreements are restricted to the assignments contained therein, preventing the threat of chaotic interference and drastically reduced coverage by all classes of stations.

2. If attempts were made to negotiate new agreements with the countries involved, several unpredictable years would elapse and the U.S. broadcasting industry would end up either with no agreements or ones with terms much less favorable than those contained in the present agreements.

3. Two agreements are definitely in the best interests of U.S. broadcasters as a whole and the listening public. All segments of the industry were entitled to participate in the negotiations of both treaties and to confer with Government representatives. Diverse views of industry observers were fully

explored and every attempt was made to satisfy them.

4. The agreements give the Federal Communications Commission complete freedom of action in its domestic allocations policy. This feature alone is of great value to U.S. daytime radio stations which can petition for changes in their facilities without fear of international complications.

5. The agreements provide for consultations between governments for the investigation and elimination of objectionable interference, as well as compulsory arbitration of disputes in the event they are not settled otherwise.

6. Important priority rights established for the United States through the provisions of these agreements would be completely lost in the absence of ratification.

7. U.S. daytime radio stations operating on Mexican clear channels benefit greatly from one provision in the Mexican agreement. Presently, all U.S. daytime radio stations operating on channels on which the Mexican Government has a I–A priority may operate with a power of no more than 1 kilowatt. This ceiling is raised to 5 kilowatts under the terms of this agreement.

8. The rapid growth of standard broadcast stations in all countries of the North American region since the signing of NARBA in November 1950, makes the need for treaty protection all the more urgent.

THE LIBRARY SERVICES ACT IN WISCONSIN

Mr. WILEY. Mr. President, throughout the country our libraries are performing a necessary and tremendously valuable service for our citizens.

We realize, of course, that education is not a process which stops at graduation from formal schooling. Rather, in this fast-changing world, education must be continued on a day-to-day basis, if we hope to keep pace with, understand, and make contribution to the progress in life going on around us.

Through our libraries, invaluable opportunities are provided for individuals of all ages, in all walks of life.

Currently, there is pending before the Senate Labor and Public Welfare Committee a recommendation for extending the library services under which our library program has been substantially strengthened and improved for the benefit of people throughout the country. Particularly, it has provided library services for small communities and rural areas, many of which, until now, have not had such services.

In view of the significant need for improvement and expansion of these services to the people of the United States, I believe that Congress should favorably consider the necessary continuation and improvement of this program.

Today, I was pleased to receive from S. Janice Kee, secretary of the Wisconsin Free Library Commission, a brief résumé of the splendid work that has been made possible through operation of the Library Services Act in Wisconsin. In addition, there was recently published in the Wisconsin Library Bulletin an informative article by George D. Russell, under the title "The Public Library: A Touchstone to a Good Community."

I ask unanimous consent to have the articles printed at this point in the RECORD.

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

THE LIBRARY SERVICES ACT IN WISCONSIN

Using Federal funds appropriated under the Library Services Act of 1956 (Public Law 597), the free library commission is sponsoring library extension and development projects in 18 Wisconsin counties; has initiated a scholarship program to provide more trained personnel, through University of Wisconsin extension division, and graduate study, for Wisconsin's public libraries; and has made a grant to the university extension division's bureau of government for a statewide survey of public libraries.

The six projects for improving, developing, and extending public library service in rural areas are:

MILWAUKEE PUBLIC LIBRARY RURAL SERVICE

A cash grant was awarded the Milwaukee Public Library in 1958 to provide bookmobile service on a demonstration basis to rural areas in Milwaukee County. Following the trial period, eight communities of fewer than 10,000 population voted, in October 1959, to continue this service at their own expense.

SOUTHWEST WISCONSIN LIBRARY PROCESSING CENTER

Nineteen independent public libraries in five counties of southwest Wisconsin banded together in a federation, early in 1959, for cooperative purchasing and processing of books. Since founding of the center, located in Fennimore, two additional libraries have contracted for this service. Central book-selection aids are available, and the center's librarian, Mrs. Janet Jahns, assists area librarians in workshops and other community library service activities.

SHAWANO CITY-COUNTY LIBRARY IMPROVEMENT PROJECT

A cash grant to the Shawano Library was made to strengthen extension services to rural adults and provide in-service training for staff members. Two trained librarians—an assistant director (Isabel Harding, who joined the staff in October 1959) and a bookmobile librarian (being recruited)—are being added to the staff, and a second bookmobile, for adult services, is in operation.

FOUR-COUNTY LIBRARY PROJECT

County library committees in Ashland, Bayfield, Iron, and Price Counties are jointly sponsoring this project, which includes developmental book loans in 9 small libraries and bookmobile service to 43 area communities that do not have libraries. The Vaughn Library at Ashland is the reference and information center for this project. Bookmobile service began October 21, 1959; John R. Dols is the librarian.

SIX-COUNTY LIBRARY PROJECT

Similar in service to the four-county activity, this project is based on the public libraries in Antigo, Merrill, and Rhinelander, which will serve as coequal centers for operation in Langlade, Lincoln, Oneida, Forest, Florence, and Vilas Counties. Bookmobile service started January 20, 1960; Mary Claire Pansch is the librarian.

BARRON COUNTY LIBRARY PROJECT

This project is a result of an intensive study by the Barron County Library Committee. A central collection of books has been deposited at the Rice Lake Public Library and is available to all the libraries in the county; the county library committee is continuing to explore ways of establishing countywide library service.

Mrs. Edna W. Holland, Antigo, is regional consultant to library projects in northern Wisconsin.

COUNTY LIBRARY COMMITTEES

Section 43.255 of the Wisconsin statutes provides for the appointment of county library committees by county boards, to survey and study the library needs of the county and to develop and report to the county board plans and proposals for improving library service within the county.

For more information about the free library commission's program, and for specific information about the Library Services Act—and what it can mean to your community—write to: S. Janice Kee, secretary, Wisconsin Free Library Commission, 217 North, State Capitol, Madison, Wis.

THE PUBLIC LIBRARY: A TOUCHSTONE TO A GOOD COMMUNITY

(By George D. Russell)

Until a happy set of circumstances brought me to the free library commission, the public library as a community institution was something quite obscure in my mind. Obscure because, having been born and raised on a farm in rural Wisconsin, I was one of what we on the commission staff have referred to as "unserved people"—people with no legal access to a public library. Make no mistakes: I had been able to read some books as a youngster in grade school since we received traveling library boxes of books from the office of the county superintendent of schools. But this, I have learned, is certainly not good library service, and even this service ended with my graduation from that rural school. And, oddly enough, no one—not once, to my recollection—ever did mention that there was such a thing as a Wisconsin Free Library Commission, with good books just waiting to be borrowed.

Nor can I say that there were no public libraries in my area. In the nearest town, there was what was called a public library, and, if I'm not mistaken, I could have used it without paying a fee, even though I lived outside the city limits. The important point here is that I did not make use of this public library on any occasion. I would be the first to admit that part of this failure to use this facility must be attributed to my own lack of initiative, but I am by no means prepared to admit that I alone should bear the blame. How many teenagers would be tempted to enter one of the dingiest buildings in town? I had never been encouraged, nor even told that I could do so. I can offer no accolades to the teaching profession for any special effort in introducing me to the wonderful world of books and reading. Perhaps I assume that the teaching profession has an obligation which is not properly theirs, but I believe not, and in fact I believe that it ought to be one of their primary concerns.

Although this has been my own experience, I would wager that it matches that of thousands of others in many communities in Wisconsin. The fact is that in many places in Wisconsin people do not have libraries, or, if they have them, they are not encouraged to use them, or, at most, they have tried to use them and have come away discouraged and empty-handed because they couldn't find the book they wanted. Good library service—adequate library service—is not just any old collection of nondescript books on a few dirty shelves; rather, in simplest terms, good library service means bringing together the right person and the right book—and at the right time, I might add.

MARKETPLACE FOR IDEAS

A public library need not be a dingy, forlorn place, with a few books tended in a slipshod manner by just anyone that happens to need a job for a few hours a week. A good library—I mean the kind that every Wisconsin citizen has a right to—should be as bright, cheerful, inviting, and busy as the nearest supermarket. It should be a marketplace for ideas.

When we go into the supermarket, shopping for such everyday things as groceries, we don't look for just milk; we want homogenized milk with vitamin D added. The

farmer isn't satisfied with planting just corn; he wants hybrid 110-day maturity. So it is with the discriminating reader of today: he doesn't want just any book; he wants a specific book on a specific subject, published during a certain year. To be able to place that book in the hands of the inquiring reader is approaching good library service. Why should one expect the reader to be any less specialized in searching for his mental sustenance than he is in fulfilling his physical and material needs?

ROLE OF THE INDIVIDUAL

And for those who argue that the majority don't use the public libraries, that it's only a small minority that do use them, I say forget about majorities and minorities—they're for election returns; let's talk about individuals and individual needs. History shows that the great developments, technological, philosophical, or ideological, and the solutions to critical problems, and discoveries have always been and will be made by individuals, not majorities.

It is the individual that counts, and where library service is concerned, any individual—no matter who he is or where—ought to be able to get the particular book or information he seeks.

This is not saying that every community ought to buy every book that has been or is going to be published. This would be ridiculous and prohibitively expensive. But most public libraries in Wisconsin ought to have a great many more and better books than they do have, and, more important, if they cannot provide the serious reader with the particular book he wants, they should be able to connect him with a larger resource center which does have the materials he seeks.

This, of course, calls for cooperation among libraries and governmental units—the kind of cooperation that makes the resources of all the units available to all the libraries participating in the cooperative venture. This is a concept which is sound, both economically and politically, and one which the free library commission is working to have publicly accepted. It is, however, one which has met with the least favor with those who would benefit the most—the smaller communities and especially the rural areas of Wisconsin.

WHOSE RESPONSIBILITY?

And who is to blame for this unhappy state of affairs? Is it the librarians, library board members, government officials, or the public at large? The answer is not an "either-or" one; perhaps the blame should be shared by all. But a curious thing does come to my mind after these 2 years: It often seems that those who raise the greatest hullabaloo about preserving our democratic way of life are quite often the same ones who are the most resistant who do the least—to promote and support the institutions of government which common sense tells us will do the most to preserve the way of life they say they cherish.

Of all the reasons—or perhaps excuses is a better word—that one hears from people who resist providing adequate support for good libraries, perhaps the most common are that library service is not demanded or used by enough people to justify the expenditures and that it can't be afforded—taxes are already too high. I have answered the first of these charges, at least to my own satisfaction, because I believe that the individual's importance must not be neglected.

To the people who continually raise the cry that they do not have enough tax money, I say, not enough money for what? I don't want to take the car out of anyone's garage, the bright picture tube out of anyone's comfortable living room, or all the highballs or cigarettes out of anyone's hand. But I do make a plea for striking some kind of balance between the material things so commonly but perhaps somewhat wrongly associated with the good life and those things which, in the long pull, will do the most to preserve what we so loudly cherish.

My challenge is to library board members, librarians, and to anyone interested in, and aware of, the importance of good public library service—but particularly to the librarians and most particularly to library trustees. You are in a position to do something about public libraries. I often think that library board members—and even many librarians—must not really be aware of the opportunities, the really significant contributions they can make to the education of mankind. Or if they are aware of this, then a lot of them should not be board members or librarians because their performance certainly doesn't reflect their understanding.

FUNCTIONAL FREEDOM TO READ

Every so often we hear a great to-do about the legal freedom to read—about the suppression of a free press. I am concerned that so few people ever view with alarm the more practical freedom to read; that is the functional freedom to read, to be able to get that which has not been suppressed. It seems to me that there is a tyranny of nonavailability, of nonaccessibility to man's recorded knowledge that, at this point in our history, is equally as vicious as the suppression of any of our other precious freedoms.

To do something about this functional freedom to read seems to me the special job, the responsibility, the duty of librarians and library board members. If your efforts don't receive the attention and publicity that is associated with schools when you make your case for better library service in your community, your opportunities and responsibilities are no less serious; whether your efforts are applauded or criticized, they are important.

Today, not tomorrow or the next day, is the time to do something about your library, for it ought to be planned for the future and not impelled by crisis. Everything you do in the name of good public library service will make your community a better one, for I believe that the good public library is a touchstone to a good community.

PAY TODAY, BORROW TOMORROW ECONOMICS

Mr. KEATING. Mr. President, I wish to comment briefly on the great debate now raging over our Nation's fiscal policies and over the financing and scope of the activities of the Federal Government.

Mr. President, the policies of spectacular increases in Government spending and the irresponsible creation of cheaper money for America are ill advised. They invite disaster.

This point is clearly illustrated in an editorial which appeared in this morning's New York Times entitled, "Study, or Rationalization?" The title refers to the majority report of the Joint Economic Committee on the January 1960 Economic Report of the President recently transmitted to the Congress. In referring to this report, the editors of the Times state, as they have stated in other editorials, that one can sense on the part of those calling for forcing unwarranted and artificial interest rate cuts, a fear "of losing face politically by retreating from an untenable position."

These are strong words. Events over the past few months have shown that they are needed—for the policy advocated by some for cheap money and luxury for all has been shown to be unwise.

Many of those pressing for action along these lines also call for new and spectacular Federal spending programs. They have little concern about a woefully unbalanced Federal budget. Money will be cheap, and we can borrow forever.

To sum up, they seem to feel that individuals and governments should operate on what might be called a "pay today, borrow tomorrow" approach to life.

Fortunately, the advocates of this policy are a minority. The American people know that you cannot eat "pie in the sky." Those of us who favor Federal fiscal responsibility and who are concerned about the preservation and strengthening of our free economic system are making ourselves heard. Common sense economics are understood by informed and interested Americans, and many of our fellow citizens are also speaking out on this issue. They too are being heard. The budget is balanced. The national debt is going to be cut. Inflationary trends in our economy are being dealt with in a sensible and proper manner.

Mr. President, I ask that the above referred to editorial from the New York Times, which is an important expression of support for a sound economic policy for America, be printed at this point in the RECORD.

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

STUDY OR RATIONALIZATION?

The Joint Economic Committee of Congress has released its conclusions on the vaguely comprehensive subject, "Employment, Growth, and Price Levels." To put it more precisely, it has issued two reports, a nine-man majority report and a six-man minority report, and the supplemental views of three of the individual members.

A considerable area of agreement is to be found in all these comments, but when it comes to the subject of economic growth and recommendations for dealing with it through fiscal and monetary policies, all semblance of harmony disappears. The story of the most bitterly controversial section of the majority report is the story of an attempt to erect a program for increasing the annual rate of economic growth within the general framework of cheap money and without losing face politically by retreating from an untenable position on the interest rate ceiling, the most conspicuous symbol of the policy.

The report has elected to build its case to show that economic growth has been neglected under the Eisenhower administration on what purports to be the historical record. It notes that "from 1953 to 1959" growth has been at a rate of only 2.3 percent. This contrasts with an average rate of growth of 4.6 percent between 1947 and 1953 (that is to say, under the Truman administration).

Now, between June 23, 1950 and the end of the Truman administration the Nation was leading the forces of the U.N. in an unofficial war in Korea, a war that touched off an enormous defense effort in this country. In short, the period chosen to emphasize the slowdown of growth in the past 7 years begins with the low point of the postwar conversion period and concluded on the year of peak Government spending on the rearmament program.

The use of such statistics as these is not only, as the minority accurately points out, "as phony as a $4½ bill" but it is dangerous for those employing it. This careful selection of the period covered, calculated to make the best possible showing for the previous administration, is almost certain to raise

the question, "How did the country do under its cheap money policy in the 4 years of peace before late June 1950?" And the answer is one that can only be described as embarrassing. In those 4 years we got almost no economic growth (an annual average of about one-third of 1 percent) but we had a glorious inflation—an inflation that carried the wholesale price index of 69.6 to 103, which is an increase of 33.4 points, or 43.5 percent.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 81) proposing observance of week beginning January 31, 1960, as National Junior Achievement Week.

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

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECENT BROADCAST BY CERTAIN AMERICANS OVER BRITISH TV

Mr. BRIDGES. Mr. President, the beatnik philosophy stemming from a cancerous soul sickness apparently is not confined only to those who call themselves beatniks. The 20 so-called angry Americans, who classed themselves as the dissenters on a recent British television program had, from the published excerpts of their statements, one thing in common. I am referring, of course, to a statement published in this morning's Washington Post entitled "'Angry Americans' Air Dissent on British TV."

These persons, according to the published excerpts of their statements, had one thing in common. They revealed an inability to adjust themselves to the ordinary facts of life as it is lived in these United States today. Their greatest scorn was reserved for what they termed American conformity, in seeming complete unawareness of the fact that any organized society has to have a degree of conformity: otherwise there would be anarchy. The slowness of their perception is evident when one considers that never has a free people had more liberty for difference of opinion than exists in this country today.

Let us look at who some of them are. I quote from the article in this morning's Washington Post:

> Critics of the American way included educators C. Wright Mills of Columbia University; Kenneth Galbraith of Harvard; Robert Hutchins of the Ford Foundation's Fund for the Republic; novelist Norman Mailer; Comedian Mort Sahl; Cartoonist Jules Feiffer; Poet Alan Ginsberg—

And then who should be listed but Alger Hiss. Alger Hiss has a name well known. He is a former State Department service officer, whom, of course, we all remember very well, as to the part he played in recent American history. Alger Hiss is in Great Britain now complaining about the United States of America—

> Alger Hiss, former State Department officer convicted of perjury; TV commentator Alexander King; Norman Thomas, head of the American Socialist Party—

And so on. These are some of the persons who are in a foreign land now complaining about America and finding fault.

It is a disgusting spectacle to me that these people, enjoying the bountiful fruits of our civilization, should ridicule the social and economic structure which makes those fruits possible. Although their intent obviously was to be of disservice to this country, there can be no such result from their efforts with any thinking people, who will readily recognize them for the misfits they are. The roster of 20 includes no names that have ever been distinguished for notable contributions to the social, political, and economic fabric of this country.

Mr. President, I ask unanimous consent that the article by William Harcourt, of Reuters news service, be printed at this point in the RECORD, both for the list of names and the sampling of remarks that were made.

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

"ANGRY AMERICANS" AIR DISSENT ON BRITISH TV

(By William Harcourt)

LONDON, January 27.—A cross section of "angry Americans"—from beatniks to college professors—told a British television audience tonight why they are dissatisfied with the American way of life.

Presented by Associated Television on Britain's commercial channel, the 90-minute program entitled, "We Dissent," listed political apathy, the need to conform to get ahead, and the acquisition of junk as among the major evils.

Producer Kenneth Tynan interviewed the more than 20 dissenters in beatnik coffee bars, on university campuses, in the street and in penthouse apartments.

Critics of the American way included Educators C. Wright Mills of Columbia University; Kenneth Galbraith of Harvard; Robert Hutchins of the Ford Foundation's Fund for the Republic; Novelist Norman Mailer; Comedian Mort Sahl; Cartoonist Jules Feiffer; Poet Alan Ginsberg; Alger Hiss, former State Department officer convicted of perjury; Norman Thomas, head of the American Socialist Party, and representatives from journalism, the clergy, and trade unions.

Sociologist Mills touched on the problem of apathy, of political indifference. Americans neither accept nor reject.

Economist Galbraith criticized the contrast between the opulence of American private consumption and the poverty of public services.

Hiss said fear led to the tendency to conform, but "our legal tradition benefited tremendously from nonconformist thought."

Novelist Mailer scored the "boring, cancerous state of American life."

Feiffer claimed, "Nobody pays attention to the issues * * * maybe because they are too frightening."

Socialist Thomas found "no distinguished and imaginative leadership in our Government."

A San Francisco beatnick said it was necessary to "embrace some form of poverty to wipe the dirt off your face."

Poet Ginsberg said the "beat" was "only revolutionary in the sense that Christ was a revolutionary."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

The Senate resumed the consideration of the joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

Mr. HOLLAND. Mr. President, I have already submitted my amendments numbered 9–2–59—C, which have been printed and are lying on the table. They have already been read. Unless there is a request by some other Senator, I shall not ask that they be read again.

Mr. President, I ask unanimous consent that these amendments may be considered en bloc.

Mr. CASE of South Dakota. Mr. President, reserving the right to object, do all of the Senator's amendments pertain to the poll tax matter?

Mr. HOLLAND. They do. While I refer to them as amendments, one of them simply puts in a number "1" for the present paragraph offered by the Senator from Tennessee [Mr. KEFAUVER]; and another deletes certain quotation marks.

Mr. CASE of South Dakota. They all pertain to the same subject?

Mr. HOLLAND. They all pertain to the same subject matter, and all basically make up one amendment.

Mr. CASE of South Dakota. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none; and, without objection, the amendments will be considered en bloc.

Mr. HOLLAND. Mr. President, my amendments would merely add to the proposal of the Senator from Tennessee [Mr. KEFAUVER] a second section which is identical to the language contained in Senate Joint Resolution 126 which I introduced on August 6, 1959, for myself and 60 other cosponsors. Since that joint resolution was introduced, 6 other Senators have joined as cosponsors, making a present total of 67. Among these cosponsors are Senators from both political parties and from every area of the Nation, including the majority leader [Mr. JOHNSON of Texas] and the majority whip [Mr. MANSFIELD] as well as the minority leader [Mr. DIRKSEN] and the minority whip [Mr. KUCHEL.]

Mr. President, I ask unanimous consent that the names of all 67 cosponsors be printed at this point in my remarks.

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

COSPONSORS OF SENATE JOINT RESOLUTION 126

Mr. HOLLAND, Mr. JOHNSON of Texas, Mr. DIRKSEN, Mr. MANSFIELD, Mr. KUCHEL, Mr. ANDERSON, Mr. ALLOTT, Mr. BARTLETT, Mr.

BEALL, Mr. BIBLE, Mr. BRIDGES, Mr. BYRD of West Virginia, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. KERR, Mr. DODD, Mr. DWORSHAK, Mr. ELLENDER, Mr. ENGLE, Mr. FREAR, Mr. GREEN, Mr. GRUENING, Mr. HARTKE, Mr. HAYDEN, Mr. HRUSKA, Mr. KEATING, Mr. LONG, Mr. MARTIN, Mr. MCCLELLAN, Mr. MCGEE, Mr. MONRONEY, Mr. MORSE, Mr. MURRAY, Mr. NEUBERGER, Mr. O'MAHONEY, Mr. PASTORE, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mr. SMATHERS, Mr. WILEY, Mr. YARBOROUGH, Mr. KEFAUVER, Mr. MCNAMARA, Mr. MCCARTHY, Mr. WILLIAMS of New Jersey, Mr. BUSH, Mr. MORTON, Mr. PROUTY, Mr. YOUNG of North Dakota, Mr. LAUSCHE, Mr. MAGNUSON, Mr. JACKSON, Mr. CANNON, Mr. CLARK, Mr. HUMPHREY, Mr. CAPEHART, Mr. HENNINGS, Mr. SYMINGTON, Mr. KENNEDY, Mr. MOSS, Mr. CARROLL, and Mr. MUSKIE.

Mr. HOLLAND. Mr. President, beginning on January 13, 1949, in the 81st Congress, more than 11 years ago, and in every succeeding Congress, I have introduced for several other Senators and myself a joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications of electors participating in the election of elective Federal officials, including electors for President or Vice President, and Senators and Representatives in Congress. In the first five Congresses in which I introduced this joint resolution I was joined only by outstanding Senators from the South, and I ask unanimous consent that the names of those cosponsors be printed in the RECORD at this point in my remarks.

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

PAST COSPONSORS

EIGHTY-FIRST CONGRESS

Mr. Holland, of Florida; Mr. George, of Georgia; Mr. Connally, of Texas; Mr. Tydings, of Maryland; Mr. O'Conor, of Maryland; Mr. Ellender, of Louisiana; Mr. Long, of Louisiana; Mr. Broughton, of North Carolina; and Mr. Robertson, of Virginia.

EIGHTY-SECOND CONGRESS

Mr. Holland, of Florida; Mr. Smathers, of Florida; Mr. George, of Georgia; Mr. Hoey, of North Carolina; Mr. Smith, of North Carolina; Mr. McClellan, of Arkansas; Mr. Fulbright, of Arkansas; Mr. Byrd, of Virginia; Mr. Robertson, of Virginia; Mr. O'Conor, of Maryland; Mr. Ellender, of Louisiana; and Mr. Long, of Louisiana.

EIGHTY-THIRD CONGRESS

Mr. Holland, of Florida; Mr. Smathers, of Florida; Mr. George, of Georgia; Mr. Hoey, of North Carolina; Mr. Smith, of North Carolina; Mr. Ellender, of Louisiana; Mr. Long, of Louisiana; Mr. McClellan, of Arkansas; Mr. Fulbright, of Arkansas; and Mr. Robertson, of Virginia.

EIGHTY-FOURTH CONGRESS

Mr. Holland, of Florida; Mr. Smathers, of Florida; Mr. George, of Georgia; Mr. Ellender, of Louisiana; Mr. Long, of Louisiana; Mr. McClellan, of Arkansas; Mr. Fulbright, of Arkansas; Mr. Ervin, of North Carolina; Mr. Scott, of North Carolina; and Mr. Thurmond, of South Carolina.

EIGHTY-FIFTH CONGRESS

Mr. HOLLAND, of Florida; Mr. SMATHERS, of Florida; Mr. MCCLELLAN, of Arkansas; Mr. ELLENDER, of Louisiana; and Mr. LONG, of Louisiana.

Mr. HOLLAND. Mr. President, in fairness to the Senator from South Carolina [Mr. THURMOND], let me state for the record that he withdrew his name as a cosponsor soon after the joint resolution was introduced in the 84th Congress.

Hearings were held by a subcommittee of the Senate Judiciary Committee on this proposal in the 81st, 83d, 84th, and 86th Congresses. The hearing record was printed each time and the hearings of August 17 and 27, 1959, the last hearings, are available to all Senators.

Mr. President, until the most recent hearings, my testimony before the Judiciary Committee was directed largely to the question of whether a constitutional amendment is necessary or whether a mere Federal statute would legally accomplish the purpose of prohibiting the imposition of a poll tax as a prerequisite to voting in Federal elections. I think the carefully documented argument I have made down through the years as to the absolute necessity of a constitutional amendment to accomplish the result desired is unanswerable and the fact that I was joined in this Congress in cosponsoring this proposed constitutional amendment by 66 other Senators leads me to conclude that I need not take the time of the Senate today to go into that question in great detail. However, Mr. President, if Senators desire to read my complete argument on that constitutional question, it will be found in the hearings of last year beginning at the third paragraph on page 19, and concluding at the middle of page 42.

Briefly, Mr. President, the basic argument that a constitutional amendment is necessary centers around the question of whether the required payment of a poll tax, or other tax, or the meeting of any property qualification, is a "qualification" within the meaning of article I, section 2, of the U.S. Constitution and the 17th amendment to the Constitution.

The pertinent provisions of each are included in the Constitution in the same words, though article I, section 2, was incorporated by the Constitutional Convention of 1787 and the 17th amendment was ratified by 36 States in 1912 and 1913.

I quote first that part of section 2 of article I of the original Constitution which is applicable:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The first paragraph of the 17th amendment, adopted, as I have said, in 1912 and 1913, reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have 1 vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The testimony I have just mentioned, appearing on pages 19 through 42 of the last hearing record, contains the pertinent constitutional or statutory provisions—or colonial charter provisions where a State was operating under such a document—at the time the U.S. Constitution was written. I also included pertinent excerpts from various State constitutions in effect when the 17th amendment was submitted, showing the use of the words "qualify," "qualification," "qualified," and so forth, in connection with poll tax payment requirements.

It is significant that each of the Thirteen Original States had, in the fundamental documents under which they were operating at the time the Federal Constitution was formed and adopted, either a poll tax requirement, as in New Hampshire, or property-ownership requirements or taxpaying requirements, or 2 or even 3 of these conditions, and that in 9 of the 13 documents the word "qualified" or "qualifications" or both were used in referring to those particular economic requirements and conditions.

It seems to me to be true beyond any question of doubt that those who participated in the Constitutional Convention of 1787 and used the words "qualifications requisite for electors of the most numerous branch of the State legislature" would be bound to know and did know that these States had prescribed, not as a prerequisite for voting, but as a stated "qualification" for voting, payment of poll taxes, payment of other kinds of taxes, and ownership of properties of various kinds and descriptions, and that all of these conditions for voting had been styled over and over again in these various constitutions and other fundamental documents as "qualifications" or as being necessary to "qualify" electors or as, when existing, having "qualified" persons to serve as electors.

I have the deep conviction—and I share this conviction with many constitutional lawyers throughout the country—that the present Constitution of the United States completely prevents and prohibits the accomplishment of the removal of the poll tax as a requirement for voting in Federal elections in any way other than by a constitutional amendment.

I shall not proceed to cite in great number the names of the eminent constitutional authorities from other parts of the Nation, as well as the South, who have taken that position, but one of the finest speeches made in support of that position was made on the floor of the Senate by the eminent Senator from Wyoming [Mr. O'MAHONEY]. Again, in committee, he took the same position.

Another of such speeches was made by the late distinguished Senator Borah, of Idaho.

We sponsors of Senate Joint Resolution 126 strongly believe that the proposed constitutional amendment should be speedily submitted by this Congress to the States for ratification, and, if so submitted, we believe it will be quickly ratified by at least the required 38 States. The ratification of the 17th amendment, which was in some respects comparable to our proposed amendment, was complete in a little less than 1 year.

The poll tax requirement, now limited to five States, namely Alabama, Arkansas, Mississippi, Texas, and Virginia, has been accorded far greater importance than it deserves. The fact of the

matter is that the amount of poll tax required to be paid in the several States is so small as to impose only a slight economic obstacle for any citizen who desires to qualify to cast a ballot. This requirement operates, of course, equally on citizens of all races and colors and is generally subject to important exemptions which limit its application, such as the exemption of veterans, of women, and of citizens beyond a certain age. Nevertheless, the question has remained a vexing one.

I deeply feel that we should permanently solve it by the submission and ratification of this amendment.

Mr. President, what is contained in my proposed amendment? I will call attention briefly to five details in my pending amendment, as follows:

First, that it is applicable to primaries and other elections in which Federal officials are nominated or elected, namely, presidential electors, Senators, and Representatives in Congress.

Second, that it prohibits the imposition of a poll tax as a prerequisite for such voting for Federal officials only, but does not interfere with the States in fixing qualifications for voting for State or local officials or upon State or local matters.

In this regard, Mr. President, on pages 42 through 46 of the printed hearings of last year there appears a document prepared for me by the Library of Congress, entitled "Poll Taxes as Levied in New England States," which illustrates clearly the type of local control which should be allowed to continue. I will not discuss that information in detail, but I call attention to the fact that in several of the New England States the payment of a poll tax was a prerequisite for obtaining such things as hunting and fishing licenses, automobile licenses or motor vehicle registrations, and the like.

Up until recent years, several of the New England States retained the payment of a poll tax as a condition for participating in their cherished town meetings. It is my understanding that one New England State, Vermont, still retains such a requirement, that is, the poll tax requirement as a condition for participating in and voting in town meetings.

The varying requirements in New England alone illustrate the wisdom of our staying away from any general effort to intervene in the field of control of local and State elections.

Incidentally, in my own State of Florida, our constitution contains a requirement that participants in county, district, and municipal bond elections must be "freeholders."

Third, that the remedial effects of this amendment would apply not only to the State laws of all the States, but to the laws of the United States; in other words we would not rest upon the assumption that the present sentiment so dominant in the Congress of the United States will continue to exist, but would protect the right of citizens to vote for Federal officials notwithstanding any possible later change of attitude by the Congress of the United States.

Fourth, that the proposed amendment would prohibit any other tax that is different from the ordinary poll tax, so called, from being prescribed as a prerequisite for voting.

Fifth, that the proposed amendment would prevent either the United States or any State from setting up any property qualification as a prerequisite for participation in an election of Federal officers, with the exception of qualifications relating to those citizens who by law are denied the right to vote in the several States because they are paupers or persons supported at public expense or by charitable institutions.

I should like to explain briefly why that particular exception has been made. Some years ago when I referred the proposed amendment to the staff of the Library of Congress and to the Office of the Legislative Counsel of the Senate, they called to my attention the fact that if we excluded property qualifications in general terms we might run into opposition from several States which have, either in their constitutions or statutes, provisions which prohibit participation in elections by paupers, or persons who are inhabitants of public institutions and charges upon the general public. The staff of the Library of Congress called attention to the fact that various States have adopted such procedures because it had been found that corruption in their State elections had resulted from efforts to dominate the voting of inhabitants of poorhouses and institutions of that kind to the degree that they felt that it was important to prohibit the voting of such public charges.

For the record, the following 12 States, which are widely scattered, have varying provisions on this subject: Delaware, Louisiana, Maine, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, South Carolina, Texas, Virginia, and West Virginia.

Mr. President, in my judgment it would be wholly futile to prohibit a denial of the right of suffrage under the imposition of the poll tax while at the same time leaving the way open to any State which might want to limit the number of its electors, to do so by the imposition of another tax or the enacting of any property qualification which it might see fit to impose, thus leaving those two additional possibilities in the picture. The same restriction would apply to the Congress.

When the U.S. Constitution was first drawn the matter of limitation of electors under tax payment requirements, meaning taxes other than poll taxes, and under property qualifications, was a much greater general deterrent to voting than was the poll tax, which at the time existed as a prerequisite to voting in only one State, the State of New Hampshire. It seems to me, particularly in view of the fact that the property qualification and the tax payment qualification, other than poll taxes, have been included within the various qualifications for voting by various States as late as 1930 or thereafter, that any method of dealing with this subject should be sufficiently broad to prevent the defeat of the wholesome objectives of these amendments by practically inviting some States to turn to other means of gaining the same end.

In my opinion the case in support of the proposed amendments has been fully made four times in the records of the Senate Judiciary Committee. I am perfectly willing to stand on that record which shows, first, the desirability of prohibiting the poll tax requirement in connection with the elections of elective Federal officials, and, second, that the only clearly legal way to approach this problem is through the adoption of a constitutional amendment.

With regard to the latter, let me say that one thing which makes this problem particularly difficult is the fact that it is tied with other issues well known to Senators, which violate the traditions and settled convictions of the people in the Southern States. This fact makes it necessary, it seems to me, that any constructive step taken in this matter be taken in such a way that there can be no question whatever as to its validity and as to its being a democratic and sound way to proceed. Anything less than that will not be acceptable. We must secure throughout the entire Nation a more wholesome and a fuller participation in Federal elections by all intelligent citizens who have these qualifications of age, mentality, residence, law observance, and so forth, that may be prescribed by the separate States.

It is because I believe that the submission and ratification of my pending amendment as an amendment to the Federal Constitution will accomplish this fuller participation by our citizens in the election of Federal officials that I have strongly supported it during the past 11 years and that I strongly support it now.

Mr. JOHNSON of Texas. Mr. President, would the Senator from Florida prefer to complete his prepared statement, or would he yield at this point for an interruption?

Mr. HOLLAND. I am very glad to yield now to the Senator from Texas.

Mr. JOHNSON of Texas. I intend to support the amendments offered by the senior Senator from Florida and his colleagues. I have long felt that this is the proper method of doing away with the poll tax as a prerequisite for voting in elections. In my 10 years in positions of leadership in the Senate I have been convinced that there is no more patriotic, statesmanlike, and courageous Senator in the Senate than the senior Senator from Florida [Mr. HOLLAND].

He and I do not always think alike. One of the wonderful things about this country is that we can think together without necessarily thinking alike. I am proud of the fact that most of the time the Senator and I do think alike, as we do in this instance. The Senator from Florida has poured into this effort a great deal of legal knowledge, energy, and dedication to the public welfare, which I hope will result in the Senate adopting his amendments to the joint resolution offered by the Senator from Tennessee [Mr. KEFAUVER] by an overwhelming vote.

I realize that there are those who prefer an issue to results, and that they have been in charge of the effort to repeal the poll tax since I came to Congress in 1937, but it has not yet been

repealed by following the statutory method.

I believe the proposal of the Senator from Florida is the proper way of getting at the objective. I believe the votes are here to adopt his amendments. I also believe that the States will act promptly on the amendment. When and if they do, the whole Nation will owe a great debt of gratitude to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly appreciate more than I can say the most gracious and generous words of the distiguished majority leader. I am glad that he is strongly supporting this amendment.

I was about to refer to the question of my experience and observations. Let me say at this time that I base my position not only upon the strong conviction that men and women who are citizens of the United States should be allowed to vote unless they are under some disqualification which pertains to their nature, not to their economic status, but also on the tremendous remedial effects in my own State of the prohibition of payment of the poll tax as a prerequisite for voting, not only in Federal elections, but in all elections. I have seen the good results that have come to our State in many ways through this great benefit to its citizens.

I cannot say how grateful I am to the distinguished majority leader, the Senator from Texas, for supporting us in this effort.

Mr. President, I have had some practical experience and actual observation in this field which I think is worthy of mention. In 1937 I was a member of the State Senate of Florida when the law was passed outlawing the payment of the poll tax as a requirement for voting in our State in all elections. I supported the passage of that act outlawing the poll tax.

At once an increase became evident in voting participation in our State by both white and Negro citizens.

Since the white people are generally left out of this discussion, I think perhaps the first figure which I mention will be most interesting because it relates entirely to the increase in voting by white citizens which took place after the poll tax was outlawed. In both the 1936 and 1940 gubernatorial elections in our State there were no participants except white citizens because the Democratic primary at that time was a white primary until passage in 1943 of a law allowing participation of all citizens in the primaries. This 1943 law, which was passed during my administration as Governor, was passed to help carry out the mandate of the U.S. Supreme Court requiring that State party primaries could not be confined to white voters.

In the 1936 Democratic primary the total votes cast for Governor in the first primary was 328,749, all by white voters. In 1940, 4 years later, the total votes in the first Democratic primary was 481,437 votes, all by white voters. There was an increase of votes cast in the white primary between 1936 and 1940 of 152,688, or a little better than 46 percent gain.

Of course, the State was growing somewhat during that period though not so rapidly as it has been growing in late years. In the 1935 State census our total population was 1,606,842. In the 1940 Federal census our total population was 1,897,414, or a gain of 290,572 in those 5 years. This population increase amounted to 18 percent in those 5 years as contrasted with the 46 percent increase in the voting of white Democrats between 1936 and 1940. It is certainly sound to conclude that the removal of the poll tax requirement allowed and encouraged many white citizens to vote who had not been voting in earlier elections when the poll tax requirement applied. Between 40,000 and 50,000 white voters, in my opinion, who participated in the 1940 election were enabled to do so by the banning of the poll tax requirement. Any examination of the figures will justify that conclusion.

In addition to this, however, it was noted at once in our State that the control of the local elections in certain counties through the payment of poll taxes by a ring of local politicians ceased to exist following the ban of the poll tax requirement, and that cleaner elections on the State and local levels have prevailed in our State since the poll tax was banned in 1937. I do not believe there is a single person who is conversant with the political situation in Florida and has observed it through the years who would not agree heartily both that a larger percentage of our people are voting since the ban of the poll tax, and that we have had cleaner politics as a result of said ban.

Following the passage of the 1943 law, which allowed our Negro citizens to participate in primaries, we have noted an immediate and continuing increase in participation by the Negro citizens. At this point I ask unanimous consent to have included in the RECORD a table, No. 27, from the report of the Civil Rights Commission showing how the registration of our colored citizens has increased from a beginning of 48,141 in 1946 to a 1956 total of 148,236, and a 1958 total of 145,036.

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

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

TABLE 27.—*Additional Florida registration statistics for past years*

County	Total population 1950	Negro population 1950	Negro registrants 1946	1948	1950	1952	1954	1956	1958
Alachua	57,026	16,551	1,192	1,964	2,152	2,159	2,829	3,153	2,169
Baker	6,313	1,546	32	103	97	113	186	361	397
Bay	42,689	7,165	525	1,770	1,194	2,207	2,434	2,012	1,904
Bradford	11,457	2,800	308	480	232	508	682	859	770
Brevard	23,653	6,001	608	780	1,805	2,042	1,780	2,160	1,747
Broward	83,933	21,359	685	1,825	2,200	3,542	4,720	6,958	7,607
Calhoun	7,922	1,119	2	36	0	58	130	231	265
Charlotte	4,286	672	231	194	194	178	240	268	273
Citrus	6,111	1,555	31	327	213	496	485	580	400
Clay	14,323	2,105	224	750	764	843	843	1,193	910
Collier	6,488	1,986	17	9	9	130	523	741	327
Columbia	18,216	6,124	171	223	338	745	966	1,645	971
Dade	495,084	65,392	5,310	7,666	15,510	18,580	20,155	19,048	20,785
De Soto	9,242	2,002	475	655	760	751	738	807	915
Dixie	3,928	562	58	128	133	241	91	181	70
Duval	304,029	81,840	12,420	14,685	25,717	21,350	25,969	27,368	26,453
Escambia	112,706	25,123	2,467	4,704	6,210	5,769	6,627	6,733	8,077
Flagler	3,367	1,534	5	5	2	2	10	13	19
Franklin	5,814	1,496	250	503	185	356	311	521	523
Gadsden	36,457	20,468	32	137	140	6	8	5	7
Gilchrist	3,499	346	11	10	8	10	11	29	34
Glades	2,199	898	28	172	209	262	261	262	146
Gulf	7,460	2,007	45	142	170	250	415	481	502
Hamilton	3,981	3,790	40	50	55	170	217	507	512
Hardee	10,073	750	12	187	210	280	282	375	292
Hendry	6,051	1,580	2	0	92	324	538	135	563
Hernando	6,693	1,539	90	235	216	395	467	622	486
Highlands	13,636	3,466	535	1,277	1,230	1,111	1,279	1,243	2,169
Hillsborough	249,894	38,315	2,177	6,660	7,959	5,772	5,103	8,856	9,822
Holmes	13,988	609	109	114	122	156	137	130	140
Indian River	11,872	2,962	45	119	232	276	294	427	512
Jackson	34,645	11,574	768	1,557	1,888	2,179	2,847	3,430	2,090
Jefferson	10,413	6,513	147	174	76	125	155	183	432
Lafayette	3,440	325	0	0	0	0	0	0	0
Lake	36,340	8,542	240	802	916	1,327	1,586	1,363	1,363
Lee	23,404	4,694	342	1,243	1,348	1,401	1,473	1,818	1,132
Leon	51,590	20,381	508	2,266	2,745	3,708	3,735	4,046	4,089
Levy	10,637	3,603	87	233	174	472	256	603	413
Liberty	3,182	581	0	0	0	0	0	1	0
Madison	14,197	6,477	0	0	0	0	681	1,010	953
Manatee	34,704	7,916	365	677	997	1,031	1,250	1,686	914
Marion	38,187	14,594	1,389	2,888	3,460	3,891	3,979	4,324	3,004
Martin	7,807	2,203	94	162	315	551	522	706	615
Monroe	29,957	3,221	497	827	902	1,239	1,218	1,652	1,648
Nassau	12,811	4,007	631	654	781	921	964	1,223	1,263
Okaloosa	27,533	2,198	24	195	321	306	413	606	684
Okeechobee	3,454	641	63	261	278	368	266	348	367
Orange	114,950	22,766	1,490	1,934	3,938	2,541	2,744	3,137	3,146
Osceola	11,406	1,492	130	344	203	296	244	358	354
Palm Beach	114,688	34,797	2,416	4,051	5,185	5,205	5,879	6,120	6,291
Pasco	20,529	2,776	160	327	364	651	637	624	670
Pinellas	159,249	18,712	1,514	2,963	3,244	3,673	3,524	3,477	3,610
Polk	123,997	25,577	1,888	3,478	4,478	3,935	3,710	4,989	5,599
Putnam	23,615	8,608	334	1,510	1,067	1,302	1,394	1,770	1,821
St. Johns	24,998	8,327	1,348	1,911	2,107	2,289	2,518	2,051	2,170
St. Lucie	20,180	6,394	406	954	1,158	1,648	1,482	1,813	1,893
Santa Rosa	18,554	1,584	4	92	155	516	628	730	749
Sarasota	28,827	4,611	465	574	711	586	725	783	683
Seminole	26,883	11,940	867	1,768	2,702	3,248	1,643	2,242	1,581
Sumter	11,330	3,052	112	209	184	480	559	790	574
Suwannee	16,986	4,985	248	238	309	381	475	565	397
Taylor	10,416	3,181	110	107	113	109	108	91	67
Union	8,906	3,231	0	1	0	0	0	0	0
Volusia	74,229	16,385	2,847	5,673	5,749	5,435	4,485	5,761	4,856
Wakulla	5,258	1,627	2	65	31	121	144	345	393
Walton	14,725	1,958	303	558	564	725	819	954	710
Washington	11,888	2,119	204	624	594	810	611	733	738
Total	2,766,305	605,246	48,141	85,230	115,415	120,913	130,405	148,236	145,036

Population figures are from U.S. Census, 1950.
Registration figures are from Florida secretary of state, published regularly

Mr. HOLLAND. Mr. President, the best available estimate of Florida Negroes registered in 1944 is 20,000, as made by Mr. Hugh D. Price, a dedicated scholar, in his scholarly work, "The Negro in Southern Politics"—see pages 32 and 33. The official report of the secretary of state of Florida, Hon. R. A. Gray, which I hold in my hand, shows that in 1959, when we had a special statewide election on proposed amendments to our State constitution, the total registration of Negro citizens had risen to 152,675. A rise from 20,000 to 152,675 in that period of time, and without any great increase in the Negro population of Florida, shows clearer than any words the result of banning the poll-tax requirement.

It is quite clear, Mr. President, that repeal of the poll-tax requirement in our State has brought about largely increased voting by both the white and colored citizens.

Banning of the poll-tax requirement is not a panacea or an immediate cure-all, but it does operate as a permissive opening of the door for the registration and participation of larger numbers of our citizens, both white and colored. As to Negro citizens of Florida, I think it is important to note that their registration began in counties where the climate of local opinion was favorable and has gradually extended into other counties of our State, until there are now only 5 or 6 small counties out of 67 where the registration of Negroes is not generally accepted and where they do not vote in all elections in which they desire to participate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD table 26 of the Civil Rights Commission, which shows, by counties, the increase in voting participation among the Negroes in Florida, and also the percentage in each county.

There being no objection, table 26 was ordered to be printed in the RECORD, as follows:

TABLE 26.—*Florida registration statistics*

County	Total population, 1950	White population over 21 1950	Whites registered, 1958	Percent white population over 21 registered	Nonwhite population over 21, 1950	Nonwhites registered, 1958	Percent nonwhite population over 21 registered
Alachua	57,026	27,176	13,433	49.4	9,430	2,169	23.0
Baker	6,313	2,481	3,423	100.0	818	397	48.5
Bay	42,689	21,138	19,159	90.6	4,028	1,904	47.3
Bradford	11,457	4,883	4,535	92.9	1,408	770	54.7
Brevard	23,653	12,466	19,272	100.0	3,544	1,747	49.3
Broward	83,933	44,558	84,997	100.0	12,234	7,607	62.2
Calhoun	7,922	3,623	4,038	100.0	594	265	44.6
Charlotte	4,286	2,534	3,895	100.0	462	273	59.1
Citrus	6,111	2,975	3,576	100.0	879	400	45.5
Clay	14,323	7,226	5,402	74.8	1,230	910	73.9
Collier	6,488	2,688	4,164	100.0	1,402	327	23.3
Columbia	18,216	7,198	5,250	72.9	3,357	971	28.9
Dade	495,084	313,924	337,838	100.0	42,682	20,785	48.7
De Soto	9,242	4,965	3,995	80.5	1,229	915	74.5
Dixie	3,928	1,814	1,948	100.0	307	70	18.1
Duval	304,029	145,484	105,652	72.6	52,832	26,453	50.1
Escambia	112,706	52,167	51,956	99.6	14,521	8,077	55.6
Flagler	3,367	1,267	1,532	100.0	872	19	2.2
Franklin	5,814	2,492	2,897	100.0	904	523	57.9
Gadsden	36,457	11,183	6,310	56.4	10,930	7	.6
Gilchrist	3,499	1,695	1,670	98.5	203	34	16.7
Glades	2,199	771	735	95.3	584	146	25.0
Gulf	7,460	3,070	3,234	100.0	1,129	502	44.5
Hamilton	3,981	2,893	3,805	100.0	1,983	512	25.8
Hardee	10,073	5,764	4,303	74.7	404	292	72.3
Hendry	6,051	2,625	2,339	89.1	1,034	563	54.4
Hernando	6,693	3,301	3,248	100.0	869	486	55.9
Highlands	13,636	6,542	8,922	100.0	2,054	934	45.5
Hillsborough	249,894	140,750	105,116	74.7	24,941	9,822	39.4
Holmes	13,988	7,219	6,698	92.8	326	140	42.9
Indian River	11,872	5,776	6,708	100.0	1,764	521	29.5
Jackson	34,645	12,994	9,440	72.6	5,843	2,090	35.8
Jefferson	10,413	2,395	3,038	100.0	3,272	432	13.2
Lafayette	3,440	1,701	1,902	100.0	176	0	0
Lake	36,340	18,360	16,362	89.1	5,110	1,363	26.7
Lee	23,404	12,506	14,359	100.0	3,017	1,132	37.5
Leon	51,590	19,281	15,054	78.1	11,213	4,089	36.5
Levy	10,637	4,200	5,139	100.0	2,107	413	19.6
Liberty	3,182	1,452	1,706	100.0	333	0	0
Madison	14,197	4,480	3,617	80.7	3,151	953	30.2
Manatee	34,704	18,836	17,293	91.8	4,425	914	20.7
Marion	38,187	15,261	12,018	78.7	8,387	3,004	35.8
Martin	7,807	3,972	5,450	100.0	1,374	615	44.7
Monroe	29,957	17,117	9,856	57.6	2,043	1,648	80.7
Nassau	12,811	5,078	5,041	99.3	2,123	1,263	59.5
Okaloosa	27,533	14,396	15,321	100.0	1,177	684	58.1
Okeechobee	3,454	1,686	2,147	100.0	406	367	90.4
Orange	114,950	63,527	56,358	88.7	14,321	3,146	21.9
Osceola	11,406	7,214	7,102	98.4	958	354	36.9
Palm Beach	114,688	57,518	67,009	100.0	22,253	6,291	28.3
Pasco	20,529	11,528	13,097	100.0	1,713	670	39.1
Pinellas	159,249	108,183	134,223	100.0	12,118	4,610	38.0
Polk	123,997	62,211	55,761	89.6	15,492	5,599	36.1
Putnam	23,615	9,463	10,979	100.0	5,199	1,821	35.0
St. Johns	24,998	11,007	10,605	96.3	5,053	2,170	42.9
St. Lucie	20,180	9,073	11,179	100.0	3,732	1,893	50.7
Santa Rosa	18,554	9,259	10,390	100.0	928	749	80.7
Sarasota	28,827	17,520	20,915	100.0	2,896	683	23.6
Seminole	26,883	9,892	9,529	96.3	6,881	1,581	22.9
Sumter	11,330	5,044	4,216	83.6	1,703	574	33.7
Suwannee	16,986	6,769	5,312	78.5	2,606	397	15.2
Taylor	10,416	4,142	4,483	100.0	1,945	67	3.4
Union	8,906	3,842	2,598	67.6	2,435	0	0
Volusia	74,229	41,392	43,350	100.0	10,415	4,856	46.6
Wakulla	5,258	2,021	2,601	100.0	833	393	47.1
Walton	14,725	7,310	5,479	74.9	1,051	710	67.6
Washington	11,888	5,438	5,564	100.0	1,056	738	69.9
Total	2,766,305	1,458,716	1,448,543	99.4	366,797	144,861	39.5

Population figures are from Bureau of Census, 1950.
Registration figures are from secretary of state of Florida, published regularly.
Population shifts, in migration, changes in age of population, or failure to strike the names of deceased or departed registrants have resulted in percentage calculations in excess of 100 "registered" in some counties. In such cases 100 percent is shown.

Mr. HOLLAND. Mr. President, that list shows the strong points and the weak points. It shows that in five or six counties—all small counties—there is practically no participation. It shows that in some counties participation by Negroes is as much as 90 percent of the qualified adult Negroes. In many other counties, the participation is above 60 percent. Taking the statewide average, 39.5 percent of all Negroes over age 21 are registered to vote in Florida.

The facts as shown demonstrate clearly that any process of this sort must be gradual and must attune itself to the thinking of the people—and I mean both white and colored citizens—in the various communities.

The proposal to ban the poll tax offers an invitation for citizens to get together and approve a more general participation. Such an invitation has been generally accepted in my State, to the point where the present level of participation has risen to a total registration of 152,675 Negro citizens who were registered last year.

We have used no compulsion in Florida and we would use no compulsion through the adoption of the pending amendment and its ratification by the States. I think we cannot stress too often that a permissive approach must be used in this sensitive field rather than one which proposes compulsion. After all, Mr. President, this is one of those problems which exists largely in men's minds and in the attitude of the communities where people of both colors are living together in relative peace over a great area of our Nation. It is no time to get impatient because the adjustments take place slowly and in accordance with the state of mind of the citizens in the hundreds of different communities in the southeastern part of our Nation where this question is most vital.

I would not expect the adoption of this amendment to solve the racial part of the problem at once any more than our repeal of the poll tax requirement in Florida has done so. I would expect, however, immediate improvement of the present situation by registration and voting of Negro citizens in areas where the climate of opinion favors it, and I would expect to see that trend continue in an orderly fashion as more and more communities see that the results are not revolutionary and not hurtful, but instead tend to bring about more amicable relations between the people of different races, as has been the case in my State.

Mr. President, if this amendment had been submitted to the States 11 years ago when it was first offered—and I knew at that time that it could not be submitted—or even 2 or 3 years ago, in my opinion it would have been already adopted and its beneficial effects would

already have been felt. I strongly urge that the Senate act to submit the amendment to the States so that it can be acted upon by them in the early future. I know of no other way in which the problem can be solved because when approached in any other way there is the question of legality and there is also the inflammatory problem which would make it difficult, if not impossible, for Congress to take action upon it. That has proved to be the case in the 14 years I have been a Member of this body.

Mr. President, what I want in this matter is a solution and not an issue. I hope that all Senators who agree with me that what we want and what the country needs is a solution and not a continuing and divisive political issue, will vote for the inclusion of this amendment in the pending resolution and then for its submission to the States for their early consideration and, I believe, their early ratification.

Mr. CASE of South Dakota. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. CASE of South Dakota. There is one aspect of this matter to which I call attention, and on which I should like to have the comments of the able Senator from Florida. That is as to the procedure of proposing the Senator's amendment to an amendment which deals with a totally different question.

In the Senate, if we had two proposals presented to us, and if we wanted to do so, we could ask for a division of the question. For all practical purposes, we will have an opportunity to vote on the amendment relating to the elimination of the poll tax as a distinct proposition, except for the fact that we also will be voting upon tying it to an amendment which deals with a totally different subject, to wit, that of providing for emergency appointments to the House of Representatives in case the number of Representatives at any time should fall below a quorum of the total number.

Most persons with whom I have talked agree, I believe, that the amendment offered by the distinguished Senator from Tennessee [Mr. KEFAUVER], which is the pending business, to make it possible for the executive authority of a State to name someone to fill a vacancy in the House of Representatives, whenever the number of Representatives falls below a quorum, is designed to take care of a special situation, an emergency situation, in the life of the Nation. Many persons might vote for that proposal who might have some doubt about voting for the poll-tax amendment. Many State legislatures might support the proposal of the Kefauver amendment, but might not want to vote, at the same time and in the same way, on the poll-tax amendment. This goes entirely to the question of procedure and not to the merits.

I am wondering if there is any provision in the Senator's amendment, or if any device could be adopted, which would give to the State legislatures an opportunity to divide the question, so to speak, and to vote upon the two proposals separately.

Mr. HOLLAND. That was the question to which we had the most careful research directed by counsel of the Library of Congress, the legislative counsel of the Senate, and by the able counsel of the Committee on the Judiciary. In all cases, the answer was that there was no objection whatever to the tying of these two proposals together; and that neither would there be any objection to having them considered separately and voted upon separately; there are precedents in both directions.

In the case of the Bill of Rights, there was one resolution which was submitted covering 10 separate articles of amendments, which were later adopted, and, I believe, two additional ones. They were voted on separately by the States; and, as the Senator well knows, only 10 of the amendments were adopted.

There are many other examples. For instance, the 14th amendment is probably the best example of a situation where greatly diverse matters were submitted within the framework of a single amendment.

In this case, frankly, I referred the matter to the Senator from Tennessee [Mr. KEFAUVER] and told him I was perfectly willing to handle it either way. He felt this was the better way to handle it. I believe the reason for his so feeling, as he himself would state, is that the Senate has passed this amendment twice by an almost unanimous vote only to see it languish and die in the other body. The vote was 70 to 1 in the 83d Congress and 76 to 3 in the 84th Congress.

I am speaking now of the Kefauver amendment, the one which provides for the emergency naming of Members to the House of Representatives in the event disaster should strike the country and make it impossible for a quorum to be convened in the House of Representatives. Of course, in the case of the Senate, the Constitution already provides that the State Governors can appoint Senators to fill vacancies. But that is not so in the case of the House. His proposal provides that if more than half of the Members of the House are no longer available, the Governors may, until the next election, temporarily fill the vacancies from their States, but his proposal has not received from the other body the attention which I believe it deserves.

I strongly support the amendment. I think that in this atomic age we all should be realistic and while all of us hope and pray and believe that no such emergency will take place, at the same time we know that one of the criticisms most often leveled at our form of government by others, who do not sympathize with it, is that it is inflexible and does not permit ready adjustment to every situation which may arise.

So I strongly approve the amendment offered by the Senator from Tennessee. I would not do anything to harm it at all. For that reason I submitted the matter to him in two forms, and my understanding is that he preferred that the amendment be offered in the form in which I have presented it. If the Senate should prefer it the other way, I would certainly have no objection.

Mr. CASE of South Dakota. Mr. President——

Mr. HOLLAND. Let me make just one further observation. If so submitted, the Senator realizes there would be one vote on the question of submission to the States for ratification.

Mr. CASE of South Dakota. Unless someone would ask for a division on the question, when I assume it could be divided.

Mr. HOLLAND. I am sure it could be divided before the final vote, but as to the final vote, I am not sure.

Mr. CASE of South Dakota. The question can always be divided.

Mr. President, I had not sought at this time to get into the merits of the respective amendments. I, too, feel that the amendment offered by the Senator from Tennessee [Mr. KEFAUVER], has distinct merit. I am thinking of how the problem will be handled in the legislatures. It certainly is conceivable to me that many legislatures might support the one amendment and not the other, and that might apply in some instances to one side of it and in some instances to another side of it.

The 14th amendment, it is true, does embrace divers subjects; but the mention of the 14th amendment also brings to mind the fact that whenever one refers to the 14th amendment as having some bearing on the matter, one has to indicate what part of the 14th amendment he is talking about. Particularly with amendments, it has seemed to me desirable to have them refer to one subject, either dealing with direct election of Senators, women's suffrage, or whatever the subject might be. I think it would be desirable to preserve an option for the States when they come to the ratification of these proposals.

Since the Senator has referred to the Bill of Rights and the first 10 amendments, I have wondered if it might not be structurally feasible to present the matter so that when the joint resolution was finally adopted, assuming it was approved by both Houses, the matter could be presented to the several legislatures, so that in the final result there would be separate amendments for them to approve, one dealing with the poll tax matter, and the other dealing with the emergency of vacancies in the House of Representatives.

Mr. HOLLAND. The Senate certainly can do so if, in its wisdom, it comes to that conclusion.

I am perfectly willing to discuss that matter with the Senator or with anyone else who may be so minded. I think the Senator from Tennessee is equally willing. We actually have a draft based on the other approach to which the Senator has referred.

I will say to the Senator from South Dakota the two matters are not wholly dissimilar, because they both have to do with Federal officials, the one having to do with election of Federal officials and the primary and general elections by which they are elected; and the other having to do with the temporary replacement of those Members of the House of Representatives, in the event they should be wiped out by any disaster to such a

degree that no quorum was available. So there is not by any means a want of similarity in the two proposals.

Mr. CASE of South Dakota. Mr. President, I do not care to prolong the discussion at this point, particularly in view of the Senator's stated willingness to consider the possibility of preserving the identity of each amendment. I would think, however, that many people might not accept the necessary relationship between the two amendments. Many people might be persuaded that we should take care of the emergency contemplated in the proposal of the Kefauver amendment, which not only embraces filling vacancies in the House of Representatives, but also carries with it the possibility of insuring continuity in the Presidency through the fact that if we always have a House of Representatives with a quorum we shall always have a Speaker, and the Speaker could succeed to the Presidency in the event of the contingency contemplated by existing law and the amendments.

I do not think it really desirable that we should say to some States where the poll tax issue may have a special significance that they may not join in ratification of the amendment which deals with emergencies caused by such a disaster as the Senator has mentioned, unless they also vote to abolish the poll tax. So it seems to me highly appropriate to preserve a procedure that will insure to the States an opportunity to vote on the two issues separately, and which will, in the final analysis, if both amendments are approved and ratified, stand in the Constitution as distinct proposals and as distinct amendments.

Mr. HOLLAND. I certainly respect the point of view of my distinguished colleague, and will be glad to discuss that matter with him or with anyone else with that point of view.

Mr. President, in closing this discussion, I merely want the RECORD to show that the two matters are not dissimilar by any means. The Constitution already provides for succession to vacancies in the Senate and for succession to the Presidency, which the Senator has already mentioned. The amendment which I would add to the resolution of the distinguished Senator from Tennessee would relate to the election of Senators, Representatives, Presidents, and Vice Presidents through the choice of presidential electors. So it seems to me there is a very clear sequence of movement in providing in the one case—which is not now so provided in our Constitution—an assurance against inability to function. It would be an assurance against the House being left in a helpless situation, and it would be an assurance against the country being left in a helpless situation also, because the country, in time of dire emergency, should not be left without ability to function through a generally representative legislative body.

There are some who think that even with less than a majority of elected Members the House could still continue to function. I have no fixed opinion on that point.

Mr. President, I appreciate the questions of the Senator from South Dakota. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, today it is my intention to put in focus what we are acting on in respect of this whole matter, which I think is something deserving the attention of the people of the country, for it is a very serious position in which we all find ourselves.

This proposed amendment to the Constitution to eliminate the poll tax is sponsored by a great many Senators, as I recall the figure, more than 60. It sounds like a very attractive idea.

Mr. President, I must say I am at some loss to understand why this proposal is being tacked onto the unfinished business, the proposed constitutional amendment, and why it could not stand on its own. I see no advantage in this approach. I only see that it will complicate the situation, and make people feel that an effort is being made to make the amendment process tougher.

I have no qualms myself about what I shall do; certainly, in my opinion, it will be in the national interest. I am confident that if what I shall propose is successful and results in substituting what I shall propose to substitute for the whole joint resolution, we can come back to the Kefauver proposal at any time, with no problems at all.

I repeat, I am at a loss to understand why so important a matter as a constitutional amendment to eliminate the poll tax and its alternative, which I will urge, of a law to eliminate the poll tax, should not be considered and debated on its own. I am at a loss to understand why it has to be fastened on as a tail to a joint resolution as to which, in this body, I do not believe there is any disagreement, and which certainly could be in a very pleasant way, without the problems which are now involved, considered on its own.

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

Mr. JAVITS. I will yield in a moment.

I must leave the decision on that score, of course, to the leadership of the majority, but I wish to make it plain to them and to the country that I do not consider that the pending amendment to the joint resolution does otherwise than complicate the matter. I think we ought to have an explanation from them as to why, if we are to act upon an important civil rights question like this, we cannot simply act on it directly and in a straightforward way without having it tacked onto another proposed constitutional amendment, with the complexities which that raises, and which I will describe.

I now yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. President, I think the record already shows clearly what the situation is. The Senator from Florida has been offering the amendment to the Constitution relating to poll taxes, which I shall call "his amendment," continuously since 1949, or for 11 years. We have had hearings on the matter four times by subcommittees of the Committee on the Judiciary. The printed records speak eloquently of those hearings on each occasion. Four different printed records are available.

The subcommittees have reported the measures favorably to the full committee. I will not say the subcommittees did so in every instance, because my recollection does not go back that far, but I believe they did in every instance, and I am sure they did in this Congress. I believe that has been the case in each Congress.

The time has come when somehow, in some way, this matter should be debated by the Senate as a whole, because the Judiciary Committee as a whole has neither approved nor disapproved the proposed amendment to the Constitution. The committee has simply tucked away in the archives the hearings records and the favorable reports of the subcommittees, so that absolutely no action could be taken.

The Senator from Florida regrets that there is no other way than this to bring up this question. However it has been announced for a long time, and it was well understood by the distinguished Senator from New York that this was the method which would be used. The Senator from Florida has no apology whatever for using this method, which is thoroughly parliamentary, thoroughly considerate, and which, as the Senator has characterized it, enables us to handle on the floor of the Senate for the first time a constitutional amendment proposing to do away with the poll tax evil in the election of Federal officials.

Mr. JAVITS. Mr. President, I have no quarrel with my colleagues from Florida. The procedure he has adopted is something of which he has availed himself, as any Member could. I might quarrel on this subject with the leadership. At least, I have made a request for an explanation from the leadership, and not from the Senator from Florida.

As to the factual situation, it will be my intention, when the amendment of the Senator from Florida shall have been disposed of, to offer a substitute for the entire joint resolution, which substitute will provide for the elimination of the poll tax by statute. The Senate will then be faced, in a perfectly parliamentary way, with the very clear alternative of a law or a constitutional amendment.

It seems almost inconceivable that this question should not, in the most deliberate way, be submitted to the Senate; and it seems almost inconceivable that it should not be the subject of thorough exploration and a well-considered vote.

Let me say now, in order that there may be no mistake about it, that whatever one Member can do to bring about a record vote on this particular question will be done by me. We all know that it is not within the competence of one Member to bring that about, but I wish

to make my view upon that subject unmistakably clear now.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of South Dakota. Let me ask, for clarification, how the Senator's proposal would deal with the basic amendment, the Kefauver proposal, even conceding that the poll tax question might be taken up on the basis of a statute. The Senator would not contend, would he, that what is sought to be done by the Kefauver amendment could be accomplished in any other manner than through a constitutional amendment?

Mr. JAVITS. I certainly do not so contend. I believe perhaps the Senator was not present in the Chamber when I entered my protest. The parliamentary situation is such that the only recourse I have in order to raise the question is to offer my proposal as a substitute for the entire joint resolution. I was pointing out that this is not in prejudice to the Kefauver proposal, which is reported from a committee, and which the leadership could bring up at any time. It should not be permitted to prevent the perfectly unqualified, unencumbered decision by the Senate on the question whether it chooses to bring about the elimination of the poll tax by a constitutional amendment or by a statute. I do not see that my proposal would in any way prejudice the Kefauver proposal. I was protesting the way the leadership has brought up the Kefauver proposal and sought to tack an amendment onto it. As I say, I have no quarrel with the Senator from Florida. He has an absolute right to do what he has done. I do not quarrel with him at all, but the procedure adopted does result in the necessity of approaching the subject in this way.

Mr. CASE of South Dakota. But, if the Senator's proposal were agreed to, it would result in the dropping of consideration of the Kefauver amendment at this time.

Mr. JAVITS. At this time—and I emphasize the words "at this time."

As to the merits of this question, the decision as to whether the poll tax should be eliminated by a law or by a constitutional amendment has been the subject of very longstanding debate. I refer all my colleagues to a very comprehensive Law Review article on the subject, entitled "The Constitutionality of National Antipoll Tax Bills," published in the Minnesota Law Review for February 1949. This article analyzes the cases and the arguments in the greatest detail, and indicates that there is an enormous amount of case law on this subject, as well as an enormous amount of parliamentary activity.

On five successive occasions the House of Representatives has passed antipoll tax bills. Let me give the specifications: In the 77th, 78th, 79th, 80th, and 81st Congresses. On two of those occasions I served in the House, and had the privilege of supporting those measures.

I point out that the House has passed such measures, for this reason: If we do not raise the question here, it is very likely to be raised anyway. It certainly will not go by default. Very likely, if we send a constitutional amendment to the House, the House will pass a bill, and then there will be a stalemate, unless a conference can resolve the question of which approach to take. In this case there is nothing to compromise. We either do it by statute—and what the statute says is another matter—or we do it by constitutional amendment.

Why should a person like myself, so interested in eliminating this encumbrance upon the voting right of the people of our country, take this route instead of accepting the easy way which is proposed by the constitutional amendment supported by so many Senators, and letting it go at that?

There are two reasons for that, both very persuasive and extremely important. The first lesson is that the path of constitutional amendments is thorny and time consuming. But even more than time consuming, it is a very uncertain path. It may or may not be approved by the requisite number of States. Indeed, the record is quite extraordinary. I should like to give the facts to my colleagues.

Between 1927 and 1959, a span of 32 years, 1,819 constitutional amendments were proposed. Eventually only three of that total number were ratified by the States as amendments to the Federal Constitution. The last amendment, which was the two-term amendment relating to the Presidency, required 4 years for approval by the requisite number of States.

Under those circumstances do not we who believe so very deeply that this practice is wrong, in terms of the national right to vote, have the right to feel that if we are to act on the question affirmatively—and we can act on it affirmatively by a statute which would effectively eliminate this incubus—it should be done directly, and we should not have the stretchout which, at the very least, would result from a constitutional amendment, and, at the very worst, perhaps result in the defeat of this measure because it could not muster the support of the necessary number of 38 States.

Sometimes there is no alternative. Our Constitution must be revered as well as observed. So the Senator from Tennessee [Mr. KEFAUVER] has pursued the constitutional amendment route, because it is essential in the case of his proposal. We all agree on that.

But here we have the very profound question, to say the least, of whether a statute could do the job of outlawing the poll tax. I certainly understand that I must demonstrate that, and I think I can, quite conclusively. The other body has acted on five occasions, by statute. Any measure we might pass would have to be approved by the other body. It seems to me that the most prayerful consideration, to say the very least, must be given to, and the most considered vote must be taken on a question of such importance. That is the first point.

The other point is equally important. We do not live in a dreamworld. We live in a very practical, working world. Everyone, including the proponent of the proposed amendment, knows that we are about to enter into a very full, and perhaps very heated, debate on all issues of civil rights, and that among those issues, and very prominent among those issues, is that of voting. Many measures will be suggested, some with administration support, some with the support of a majority in this Chamber, and some with heavy support, though not necessarily a majority. Those measures will deal with the very same question, the right to vote, and the question of what limitation there is upon the power of the State in respect of restricting that right.

Once we adopt the principle of going to the country with a constitutional amendment whenever we materially touch the right to vote, it seems to me that that principle might very well be invoked—because the Senate would have approved it—in connection with many other measures.

Let me give my colleagues an example. We can be very practical. One of the provisions in almost every bill on this subject, including the bill of the majority leader, and the administration's package, is the preservation of voting records for a stated period.

The Constitution provides that the Congress shall have the right to determine the manner, place, and time of holding elections for Senators and Members of the House. Is the preservation of voting records included in the "manner, place, and time"? There may be a great deal of argument on that question. But if we establish the precedent proposed, the easy way to do it is to have another constitutional amendment. That is only one example.

We shall constantly be faced with the hard rock of the argument, "You have already decided it. Whenever there is any doubt about it, go to the country with a constitutional amendment."

We know the leaden weights which such a procedure would place on the feet of any civil rights legislation. We do not go to the country with a constitutional amendment every Wednesday.

The Senate would be placed on record upon an issue which I think is very clear upon the cases and the law, that a constitutional amendment is needed when it is not needed. If I and others like me allowed such a question to pass by default, it would be a dereliction of duty for which I could never forgive myself. I think that is true of many other Senators.

When I first came to offer my proposal, in view of the fact that it was imminent, and we all knew that the distinguished Senator from Florida would offer his proposal, and I sought cosponsors on my measure, it was possible to persuade some 24 other Senators to join me in my proposal. Interestingly enough, 17 of the 24 are in the group of 66 Senators who sponsor the constitutional amendment method.

Mr. HOLLAND. Sixty-seven.

Mr. JAVITS. Sixty-seven; yes. That is significant, I think. Of course, as a last resort, if there is no other way, Senators will take the course of the constitutional amendment. I shall do so myself. There is no question about it. No one doubts it. That is no great dis-

covery. However, if there is another way—and there is certainly a substantial body of opinion in the Senate and a substantial body of opinion in the country that there is another way—we are entitled to most respectful consideration of our proposal of the statutory course.

Mr. President, for these reasons, which I believe are formidable reasons to anyone who is deeply interested in the civil rights field, it is my deep conviction that we must go the route of statute, not the route of constitutional amendment. I shall at the proper time—and I shall describe both where and when—offer a substitute.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. Of course I yield.

Mr. CASE of South Dakota. Has the Senator given consideration to the effect, parliamentarily, in the House should his proposal be adopted, so far as committee reference is concerned? Under the rules of the Senate, constitutional amendments are considered by the Committee on the Judiciary. Matters relating to the election of the President, Vice President, and Members of Congress go to the Rules Committee. If that same jurisdictional division exists in the House, and the proposed constitutional amendment should be changed to a proposed statute dealing with elections, when it reached the House of Representatives it would go to the Committee on Rules; whereas if it should go to the House as a proposed constitutional amendment, it would go to the Committee on the Judiciary. Has the Senator considered that aspect of the matter?

Mr. JAVITS. I am glad the Senator asked that question. I might say that the committee in the other body to which the Senator is referring is the Committee on House Administration, rather than the Committee on Rules.

Mr. CASE of South Dakota. Of course the Committee on Rules in the House serves a different purpose.

Mr. JAVITS. Yes. I get the Senator's point, though. I would say to the Senator that we have almost answered the question in identifying the committee. The fact is that the Committee on Rules and Administration in the Senate has a rather different jurisdiction than the Committee on House Administration has in the House.

It is my understanding that in the other body the tendency is to refer, not a proposed change in an organic statute, but questions relating to election of Members—under the provision of the Constitution which relates to each House being the judge of the qualifications of its own Members—to the Committee on House Administration; and that when it comes to proposed legislation, the jurisdiction might go either way. There is no certainty or any assurance whatever, based upon the practice in the House, that it will go to the Committee on the Judiciary or to the Committee on House Administration.

Mr. CASE of South Dakota. It seems to me that it might be worthwhile to explore that point. I have in mind, for example, the possible attitude of the distinguished Representative from New York who is chairman of the House Committee on the Judiciary. His attitude might very well be that of the Senator from New York, or it might be something else. I do not pretend to speak for him, but I do know that the composition of committees sometimes affects the disposition of a bill.

Mr. JAVITS. I should like to point out to my friend from South Dakota that on the five occasions when the House has passed on similar bills—and I will check on this matter during the next hour and come back with the information about it—the bills had been considered by the Committee on the Judiciary on some occasions and the Committees on House Administration or Rules in others.

Mr. CASE of South Dakota. It would be worthwhile to check on it. It would also be well to bear in mind that should the Senator's proposal be adopted by the Senate, and if then the House made some changes in the bill, and the bill went to conference, there is some thought in my mind that the conferees would be different if it were proposed as a statute than if it were proposed as a constitutional amendment.

Mr. JAVITS. I respectfully differ with my colleague. Here in the Senate without question it would go to the Judiciary Committee.

Mr. CASE of South Dakota. In the Senate; yes.

Mr. JAVITS. Yes. If my colleague will permit me to finish I should like to say that if a report on the bill came from the Committee on the Judiciary, that would settle it, it seems to me.

Mr. CASE of South Daokta. What about the conferees on the part of the Senate?

Mr. JAVITS. The conferees on the part of the Senate would probably come from the Judiciary Committee. We cannot avoid that either way. A proposed constitutional amendment is referred to the Committee on the Judiciary.

Mr. CASE of South Dakota. I agree that the conferees from the Senate would come from the Committee on the Judiciary in the case of a proposed constitutional amendment. However, if it were a statutory provision which deals with the election of Members of Congress, the conferees would very likely come from——

Mr. JAVITS. From the Committee on House Administration.

Mr. CASE of South Dakota. From the House Administration Committee; yes.

Mr. JAVITS. I refer to S. 2868, the bill which has been introduced by myself and other Senators. That bill was referred to the Committee on Rules and Administration. I point out that that is not the situation in the House. As I say, I shall run it down and get the references to the five occasions on which the House has actually passed this kind of bill.

Mr. CASE of South Dakota. Merely for convenient reference for those who may read the RECORD, I should like to read some appropriate paragraphs from the rules of the Senate which deal with the jurisdictional question. The rules provide:

> Committee on the Judiciary, to consist of 15 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

Those subjects are enumerated. The second one is: "constitutional amendments."

Similarly, the rules provide:

> Committee on Rules and Administration, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

Then various subjects are listed, including matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; presidential succession.

Since that distinction is made in the Senate, it occurred to me that it might be interesting to see what would be the effect on the parliamentary situation if the Senator's proposal were adopted; and what would be the effect in case the proposal were adopted with changes made by the House, so that it would have to go to conference; and also the possible effect, in the final analysis, upon the action of the conferees.

Mr. JAVITS. I have stated that according to the information which I have now—and I will get a little further information later—that in terms of reference in the House this bill would be referred to the Committee on the Judiciary. Here in the Senate, as I have pointed out, my bill—the bill I introduced together with other Senators—was referred to the Committee on Rules and Administration which, I point out, would give a very favorable climate in this body to the conferees who would be considering the bill.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that his bill was introduced by him and other Senators only on January 20 of this year. That is within the past few days. So far as I know, there has been no hearing held on it, and there is no probability of a hearing being held on it during this hectic session; whereas my bill has been introduced for 11 years and has had many cosponsors—this time, 67—and has also had four hearings held on it and has been reported favorably by the Subcommittee on the Judiciary which conducted the hearings.

Any criticism the distinguished Senator from New York might have of the Senator from Florida because he has offered his proposal as an amendment to the pending joint resolution would be compounded as it might be directed to the Senator from New York, because his bill was introduced only a little while ago, and apparently in an effort to obstruct consideration of the poll-tax proposal of the Senator from Florida.

Mr. JAVITS. The Senator from New York will not let the Senator from Florida

place on him any complaint against the Senator from Florida which the Senator from New York has not made. The Senator from New York is not endeavoring to obstruct anything, and he would appreciate it if he were not accused of it. The Senator from New York is not thin-skinned, and can fight this battle without these characterizations.

As to the merits, a bill of this character was considered by the Senate Committee on the Judiciary back in 1945, and that committee reported the bill. There is absolutely nothing new to this proposal. This has been the subject of law school debates for years. It does not seem to me that there has been any less scrutiny of the statutory aspect of this matter than there has been of the constitutional amendment route.

In addition to that, it is very obvious to me that it would be absolutely essential to introduce the statutory concept if we were to consider the amendment route, as the leadership has obviously given the green light to its consideration. It should be borne in mind that antipoll tax bills have died on the floor—I am certain every Senator is well aware of that—by the filibuster route, after very, very, thorough discussion. So we are not dealing in an area of first impression, an area in which people do not know anything about the subject.

I am deeply convinced in my own conscience that I would be derelict in my duty if I did not offer to the Senate the alternative of proceeding by the statutory route, and I believe that by so doing I am not only not obstructing, but am serving the national interest.

I am not criticizing, I do not intend to criticize, and I will not be driven into criticizing whatever may be said about the actions of my friend and colleague from Florida.

Mr. HOLLAND. Mr. President, I appreciate the generous statement of the Senator from New York. I think the RECORD ought to show, however, the fact that the bill of the Senator from New York was introduced only on January 20 of this year, after the leadership had announced the course which was to be followed in the calling up of the so-called Kefauver resolution, and had announced that the poll tax provision, sponsored by the senior Senator from Florida and 66 other Senators, would be offered as an amendment. So the country can judge what the motives of both the Senator from New York and the Senator from Florida might be.

I wish to ask a question, if I may, of the distinguished Senator from New York. Has the Senator from New York ever heard any question advanced as to the legal propriety, as to the legal sufficiency, of the constitutional method of approach to the subject of the poll tax?

Mr. JAVITS. I certainly have. I have heard it hotly debated and controverted, and I intend to debate it myself on the ground that a statute will do the job. I shall maintain that it is the elementary responsibility of legislators to accomplish by statute what needs to be accomplished. This is the very essence of a republican form of government: not to go to the people or to the legislatures in terms of constitutional amendments, if such are not necessary.

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

Mr. JAVITS. Not quite yet.

I should like to say also that Jack Dalton on a white horse, so far as my reading and my seeing moving pictures is concerned, has never been degraded as a hero by the American people simply because he arrived at the last moment. It seems to me that if one arrives in time on a deserving course, he is on time. I am not miffed or discouraged by the statement of the Senator from Florida.

I now yield to the Senator.

Mr. HOLLAND. Mr. President, the Senator from New York has not answered my question directly, but I wish to state that no one, to my knowledge, has ever questioned the adequacy or the propriety of the constitutional method of approach to the poll tax question, whereas the distinguished Senator from New York well knows that while he can muster authorities in favor of the statutory approach to the question, there are many others of equal authority who deny that a statute would be adequate to deal with the subject. Such authorities include, as I remarked a few minutes ago, the distinguished senior Senator from Wyoming [Mr. O'MAHONEY], who is certainly an eminent lawyer in his own right; the late Senator Borah, of Idaho; and many others who, equally with the Senator from Florida, and with much more authority behind what they said, felt that the statutory method of approach was inadequate, unconstitutional, and would lead simply to litigation, not to a solution of the problem.

It seems to me that what we are now confronted with is the question whether we want an issue or a solution. The Senator from Florida wants a solution.

I thank the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Florida is a good, tough fighter. No one knows that better than I. But I am not overwhelmed, and I doubt that a great part of the Senate will be overwhelmed. I hope that a majority of the Senate will not be overwhelmed. I am perfectly ready to take on the test of debate and the test of the authorities. It will not be the first time that the Senate has been besought to be scared away from an issue, because the constitutional amendment route is certainly one which nobody can challenge legally. Since there is no higher law, what is there to challenge? We immediately concede every legal point the minute we take the constitutional route.

It seems to me the burden is on those who would have us proceed, not by law, but by the constitutional amendment route. Those who proceed by the constitutional amendment route are seeking to pursue an extraordinary remedy. It seems to me the burden of proof is not upon us, but is upon them to demonstrate that so extraordinary a remedy is required.

I should like to come to the merits of the controversy, because that is what we must ultimately do anyway. First, I invite Senators to read the article in the Minnesota Law Review.

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

Mr. JAVITS. I yield.

Mr. MAGNUSON. I am greatly troubled about the amendment of the Senator from Florida, because, like the Senator from New York, I, too, would like to get at the question, as I know the Senator from Florida would, because he has sponsored for quite a while proposals to repeal the poll tax.

I have some doubt as to the constitutionality of the proposal of the Senator from New York. This is a curbstone opinion; I have not read too many authorities on the subject. However, if the objective can be accomplished by legislation, that is the way it ought to be done. I am thinking in terms of protecting ourselves both ways.

Does the Senator from New York feel that if his amendment providing for action by statute should be adopted, we should also submit the constitutional amendment to the States, so that if the courts should declare the amendment of the Senator from New York unconstitutional, the process would still continue, and there would be no delay. Neither the Senator from Florida nor anyone else wants delay, but there may be some legislative difficulty.

Mr. JAVITS. I think that is the real difficulty. The real difficulty, as the matter is now presented, and as it undoubtedly will be presented, is that there is simply no other way. If we want to pursue the satisfactory way——

Mr. MAGNUSON. I think all of us would feel very bad about it if we adopted the proposal of the Senator from New York, legal proceedings then took place, 2 or 3 or 4 more years went by, and we found ourselves right back where we started. We know that the method suggested by the Senator from Florida might take a little longer, but we also know that in the end it would achieve the result which is sought. That is the question which bothers me. Does not the Senator agree that with his amendment we are taking a legal chance?

Mr. JAVITS. We take a chance on everything we do. Many of the laws which Congress passes are declared unconstitutional. Many people tell us that what we do with respect to one thing or another will be declared unconstitutional. We were told that the civil rights bill, which was under debate for many weeks, would be unconstitutional. As a matter of fact, some elements of the Civil Rights Act have been declared unconstitutional by the lower courts, and are now before the Supreme Court for final decision. But that is what we must expect every day. It is the risk we run in enacting any statute.

Of infinitely greater importance, once we feel or are convinced that we are right, is that we are doing our duty with the assurance which the people expect of us as representative legislators.

As I started to say, if it is proper—and we have to be convinced of that—to proceed by statute, that is our first duty. The burden of proof is not on

me. It seems to me that the burden of proof is on those who would take the extraordinary course of a constitutional amendment.

We legislate daily on all kinds of matters. Certainly it would be safer—it is the highest law—to proceed by constitutional amendment.

We shall have another civil rights bill before us at this session. Perhaps the Senator from Washington was not in the Chamber at the moment I pointed this out, but the minute we say we are going to follow the constitutional amendment route on this question, we will be faced with that procedure in half, at least, of all the measures which will be recommended in connection with the civil rights bill, because numerous constitutional questions are inherent in the proposed civil rights legislation. Once we decide that we will follow the course of the constitutional amendment on civil rights, there will be no end of such proposals.

There is a long history connected with this matter. It has been considered five times in the other body, but they have not sent it over here. We have not acted on it. Occasionally we have had what is called a filibuster. It seems to me there is no really fundamental question of law involved, any more than there is in other pieces of legislation. Therefore, it is our duty to take the statutory route.

Mr. MAGNUSON. I do not disagree with that. I do not believe any suggestion has been made that the constitutional way—that is, by amendment of the Constitution—would be certain. But the Senator from New York must admit that there might be some question, legally, about his proposal. I hope the Senator is right in his analysis.

The reason I have participated in this debate is that I, too, have a little interest in the subject. I introduced proposed poll tax legislation in Congress in 1937. That was a long time ago. I was then a Member of the House. We never had enough votes to get it out of committee. Like the Senator from New York, I wanted to get it out immediately. But there was a little more opposition then than there is now. That was 22 years ago. More States had the poll tax then.

The States themselves have made great progress in this field. But there was seriously raised the question whether I should not have done at that time what the Senator from Florida has suggested. So there is a legal controversy, which has been patent for a long time, over the legislative method. I shall probably support it, but I would not like to see it become a disservice to this cause, if there is grave concern that by taking a shortcut we would have to start all over again.

Mr. JAVITS. I may say to my good friend and colleague from Washington that we have found that the place where it has been so difficult to get action on a statute is in the Senate, not in the House. Perhaps this will be filibustered, too. I have no idea about that. One cannot guarantee anything. But this seems to be an opportunity, when the climate is right, anyway, to try to do what has been tried many times before without success. It seems to me this is the time to make a profound case in this whole situation, and I thank my friend, not only for his forensic ability, but for his foresight and statesmanship in proposing it many years ago. As the Senator has said, even if we proceeded by way of constitutional amendment, it could fall by the wayside and dangle for years.

Mr. MAGNUSON. I will say that it was thought the better way to proceed was first by action in the House, for the stumbling block was the Senate. I am glad the Senate has progressed so far that political strategists think it is better to start in the Senate and hope something will be done by the House.

I think many persons who are seriously interested in this matter are not against what we are trying to do, but probably have some conscientious legal doubts about the legislative method, which I tried originally 22 years ago.

Mr. JAVITS. I have never questioned, and I hope I never will, the deep sincerity of any Senator, no matter what he is advocating, even if I thought he was wrong, and I do not now. I say that deliberately. We can differ on the course to be pursued, without questioning each other's motives. I certainly do not question the motives of those who do not feel as I do.

Mr. MAGNUSON. I shall support the Senator's amendment, because this is where I came in 22 years ago; but I have all this time wondered about the method to be adopted. Perhaps if we followed the suggestion of the Senator from Florida our effort might take a little longer. I doubt it, though. I think the State legislatures are ready to act quickly. I know that is the sure method.

Mr. ROBERTSON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Yes.

Mr. ROBERTSON. When the Senator from New York was interrupted for questions by my distinguished colleague from Washington, I understood he was preparing to quote from an article published in a Minnesota Law Review.

Mr. JAVITS. Yes.

Mr. ROBERTSON. Was the author who wrote that article a lady from Texas who had moved to Minnesota to teach?

Mr. JAVITS. It was written by Janice E. Christiansen, instructor in government, University of Texas; author of "The Constitutionality of Proposed National Legislation To Abolish the Poll Tax as a Requirement for Voting in National Elections"; the thesis being on file in the University of Minnesota Library, 1946.

Mr. ROBERTSON. Does she start the article by quoting a number of authorities saying it is unconstitutional, and then quoting two or three cases, and then saying that, in her opinion, it is doubtful, but she would decide in favor of constitutionality?

Mr. JAVITS. I am not citing that article——

Mr. ROBERTSON. Let us be fair. That is the only one which looks in that direction, and that lady lacks a great deal of being a constitutional authority.

Mr. JAVITS. I was not citing the lady in question as my authority for my position. All I was doing was directing attention to a documentation of the cases which I had found up to a certain date, which is useful to any legal researcher. The authorities on this issue are the Supreme Court of the United States, the other courts, the Constitution of the United States; and certainly I am not invoking as an authority the author of this article. For all I know, she may deserve to be relied on; I do not know. Therefore, I am not utilizing this article for that purpose at all.

I have just referred my colleagues to a compendium of cases upon this subject matter. Annotations are helpful in legal research. That is the only purpose for which I have invoked this article.

Mr. ROBERTSON. Our distinguished colleague has a reputation for being a very able and distinguished lawyer, who served as head of the legal department of the Empire State, the most populous and in some ways the most important State in the Union. He is discussing today an issue which has been before us, as the Senator from Washington has said, for the past 20 years. There have been a great many statements pro and con on the subject.

I hope that before he concludes, the Senator from New York will cite the latest case, 1951, that came from Virginia, decided by the district court, affirmed by the Supreme Court per curiam. *Butler* v. *Thompson*, D.C.E.D. Va. 97 F. Supp. 17, aff'm., 341 U.S. 93F, upholds, without any question, the legality of the Virginia poll tax. I know the Senator wants to be fair about whether this proposal should be accomplished by act of Congress or, as the Senator from Florida [Mr. HOLLAND] proposes, by an amendment to the Constitution. I hope he will be willing to remain in the Chamber when I present the history of the section of the Constitution which preserves to the States exclusive jurisdiction over the qualification of voters, and my discussion of the Senator's proposal, to the effect that it is not a question of qualification, but relates to the manner of voting.

The Senator has said that perhaps there will be a filibuster against this proposal. If one of us who take the opposite view speaks any longer than the Senator from New York in presenting his views, that would not be a filibuster, would it?

Mr. JAVITS. No. Perhaps I did not make myself clear to the Senator. I said I did not anticipate a filibuster. I think those who filibustered in another day seem to have come around to the feeling that perhaps a filibuster is not such a good idea. Perhaps the whole climate of the country and the Senate has changed. This is an extremely hopeful sign of the times. I would wish to encourage it, not discourage it. Hence, I shall make my statement as brief as I can, though, as the Senator knows, other Senators have sought the floor and have taken as much time as I have. I certainly hope every Member of the Senate will feel free to discuss this subject in any detail he wishes to, and I have every expectation that we shall come to the

best conclusion possible within a very modest period of time.

My colleague referred to a case, which gives me a good point of departure for this legal argument. That case was similar to the case of Pirtle against Brown, which was decided in the circuit court of appeals in 1941, and which upholds the constitutionality of the poll tax. So did the case of *Breedlove* v. *Suttles*, 302 U.S. 277, decided in 1937, a Supreme Court case.

We are not here arguing that the poll tax is unconstitutional. It has been sustained as being constitutional, I regret to state. What we are arguing is that the U.S. Congress can pass a law which would eliminate it, that such a law would be constitutional, and therefore a constitutional amendment to achieve the same purpose is unnecessary. Moreover, in accordance with the traditional legislative practice and the Republican form of our Government, it is our duty to act by statute where that is proper, rather than seek the refuge of a constitutional amendment.

Mr. President, I have given my reasons for proposing this course of action. I should now like to give a few facts and figures. In the first place, the length of time taken to approve constitutional amendments, including the last constitutional amendment, and the very few constitutional amendments in our history which have been approved, is certainly a matter of the first moment by way of evidence.

Then, too, the requirements for the approval of constitutional amendments by so large a proportion of the legislatures of the States is a factor.

Also the fact of the evil of a poll tax and its restriction upon voting, which evil is sought to be reached, is a factor. It is so contrary to the concept of national policy that the country would not expect us to stand still if we can do something about it much sooner by statute than we could by a constitutional amendment.

I should like to proceed now to the legal argument, because this is what it finally boils down to, and to start by pointing to the provisions of the Constitution upon which I rely as demonstrating the constitutionality of such a statute. Again I precede this analysis with the table of enactments by the House of Representatives of anti-poll-tax legislation, so called, in the form of proposed statutes passed on five occasions by the House of Representatives.

I ask unanimous consent that the table upon that subject may be included in the RECORD as a part of my remarks.

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

Poll-tax legislation

Congress	Bill No.	House action	Senate action
77th	H.R. 1024	Rules Committee discharged	S. Rept. 1662.
78th	H.R. 7	Judiciary Committee discharged	S. Rept 530.
79th	H.R. 7	Judiciary Committee discharged	S. Rept. 625.
80th	H.R. 29	House Administration Committee; H. Rept. 947	S. Rept. 1225.
81st	H.R. 3199	House Administration Committee; H. Rept. 912	No action.

Mr. JAVITS. Mr. President, the provisions of the Constitution which are especially applicable to this particular matter are, first, those of section 4, article I, which deal with the whole vexing question of qualifications for voting. I should like to read that particular provision into the RECORD, so that it may form a proper background for my observations upon that subject. The Congress is given the authority to deal with the manner, the places, and the time of conducting elections. It is one of the arguments of the anti-poll-tax advocates that it deals with the question of manner, and the backing for that proposition is found in the soldier voting statute.

In analyzing the provisions which eliminated the poll tax for soldier voting, and which have been enacted and reenacted in our own law, and in sustaining those provisions, there has been utilized as authority this general power which is vested in the Congress.

The text of that provision of the Constitution is:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

In that regard, as I said, there is the manner of voting, and that concept was carried out in the so-called soldier voting laws, where the poll tax was eliminated. I believe that is equally applicable to this proposed statute.

The second point upon this subject is the power of the Congress to deal with corrupt practices in connection with voting. This power has been sustained time and again in the various corrupt-practices acts. As a matter of fact, the other day in this body we passed a so-called clean-elections bill, in which we availed ourselves of that power under the Constitution. That act, for example, Mr. President, deals with the question of how an election shall be financed, how a primary shall be financed. There is nothing in the Constitution which says anything about that specifically.

In other words, the argument that the words "times, places, and manner of holding elections for Senators and Representatives" do not apply to campaign contributions could be just as effectively made with regard to the poll tax, but the courts have, nonetheless, sustained the corrupt-practices legislation on the ground that such things represent a restriction or a burden upon a national right, which is the right to vote for Representatives in the Congress of the United States.

This, I submit, is as true of the particular issue with which we are dealing today as it is in the other area.

Of course, it is also a fact that the Congress can find that the poll tax lends itself to corrupt practices by enabling people to buy up poll-tax certificates and to pass them out to those who will subsequently vote.

Mr. President, it seems to me that the analogy as between the two is very strong and persuasive.

Mr. President, with respect to the constitutionality of the anti-poll-tax bill, I invite attention to section 4, article IV of the Constitution, which reads as follows:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Mr. President, this guarantee to every State of the Union of a republican form of government, which is set forth in the text of the Constitution, is an extremely vital element in regard to the constitutionality of an anti-poll-tax bill. The facts have demonstrated that there has been in the poll tax that kind of a burden upon voting which has a tendency to deny the republican character of our Government and which is inimical to the conduct of a republican form of government.

Mr. President, in the same connection, there has been some feeling, which has been sustained by some of the cases, that the poll tax represents a burden upon a national right, which is the right to vote for Representatives in Congress and for Senators.

Mr. President, the declaration of the constitutionality of the poll tax is not affected by any such point until the Congress finds that the poll tax is a burden and proposes to legislate in the field. If the Congress enacts the substitute which I shall submit, the Congress will be making that finding, and will give an additional constitutional basis for the legislation.

Finally, Mr. President, reliance must be placed upon the 14th and 15th amendments.

The 14th amendment deals with equality of opportunity to vote. A strong case is made out by the proposed legislation itself and by the findings of Congress upon the subject that the poll tax in actual practice operates to deny an equal opportunity to vote, that there is not equal protection of the laws in that regard.

In regard to the guaranteees of the 15th amendment, the poll tax operates as a denial of or as an abridgement of the right of citizens to vote by virtue of race, color, or previous condition of servitude. That, again, is based upon the factual way in which the poll tax actually works out.

Mr. President, that is a summary of the legal argument. There is one further point with respect to it. It will be noted that the Constitution makes a distinction between the provisions which relate to the right to vote for Representatives and Senators and the provisions which relate to the right to vote for presidential electors, in that the constitu-

tional provisions are different with respect to each. In respect of making my amendment applicable to presidential electors as well, there are a number of Supreme Court cases which hold that the designation of presidential electors is the performance of a national function. I shall give a cititation to such cases.

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

Mr. JAVITS. I yield.

Mr. ROBERTSON. Did the Senator say that he was going to amend his proposal to include electors, or that it was not necessary to amend it to include electors?

Mr. JAVITS. The substitute which I shall propose includes both Members of the House and Senators, as well as electors.

Mr. ROBERTSON. The original draft, however, did not include electors, did it? I have a little comment on that point when it comes my turn to speak.

Mr. JAVITS. I do not know where the Senator gets that information. The measure which I offered as an amendment in the nature of a substitute for Senate Joint Resolution 126, at the top of page 2, deals with elections for President and Vice President, with electors for President and Vice President, and with elections for Senators and Members of the House of Representatives.

Mr. ROBERTSON. Last year there were four or five such bills. We have them every year. It is a little difficult to keep up with the wording of every bill. The Senator does add the property qualifications of five or six States, besides the poll tax.

Mr. JAVITS. Exactly.

Mr. ROBERTSON. But the Senator does not go so far as the Morse bill of last year, which proposed to eliminate the New York literacy test.

Mr. JAVITS. I am not familiar with the provisions of the Morse bill.

Mr. ROBERTSON. I thought the Senator would be familiar with it.

Mr. JAVITS. I only point out that I believe the Congress has power in this field to act within whatever area of legislation it desires to act; and, in my view, it desires to act in respect to a specific field, the poll tax, with which my proposal deals. It is that particular thing that I am seeking to reach by my amendment, as it affects every so-called Federal election.

On the question of electors, I should like to conclude by reading a statement from the opinion of the Court in *Burroughs and Cannon* v. *United States*, 290 U.S. 534, at page 544. That case dealt with the Corrupt Practices Act. The Court denied that the Congress was limited, in making the application of the Corrupt Practices Act, or confined only to Representatives and Senators, and prevented from including presidential electors. The statement reads as follows:

> The congressional act under review seeks to preserve the purity of presidential and vice presidential elections. Neither in purpose nor in effect does it interfere with the power of a State to appoint electors or the manner in which their appointment shall be made. It deals with political committees organized for the purpose of influencing elections in two or more States, and with branches or subsidiaries of national committees, and excludes from its operation State or local committees. Its operation, therefore, is confined to situations which, if not beyond the power of the State to deal with at all, are beyond its power to deal with adequately. It in no sense invades any exclusive State power.
>
> While presidential electors are not officers or agents of the Federal Government (*In re Green*, 134 U.S. 377, 379), they exercise Federal functions under, and discharge duties in virtue of authority conferred by, the Constitution of the United States. The President is vested with the executive power of the Nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption.

The decision also cites with approval *In re Yarborough*, 110 U.S. 651, generally sustaining the same point of view.

So, Mr. President, I have made my proposed substitute applicable both to Representatives and Senators, as well as to electors for President and Vice President, as I believe the cases show very clearly that all such legislation comes within the powers of the Congress, when the Congress chooses to assert such powers. A constitutional amendment is not required, the courts having held that such legislation is well within the power of Congress. The Congress should legislate upon this subject by statute, along the lines of the struggle which has continued for years. The distinguished Senator from Washington [Mr. MAGNUSON] told us about introducing a bill in 1937.

In this body it has been extremely difficult to get at anti-poll-tax legislation. At long last I hope we are at it now.

So my case to the Senate is summed up in the proposition that it is our duty to legislate, and that it is our responsibility to submit a constitutional amendment only when we are clearly convinced that we do not have the power to legislate. The burden is upon those who would have us submit a constitutional amendment instead of legislating. That burden cannot be borne, in the light of the cases, and in the light of the long history of the rather hotly fought battle on the poll tax. I am delighted, at long last, to see a substantial majority of the Senate in agreement that the poll tax is an incubus which should no longer be carried on the body politic of the American people, but that it should now be dealt with.

I deeply believe—and I hope very much that a majority of the Senate will agree—that the way to deal with the subject is by eliminating the poll tax by means of legislation, which is well within our powers.

At the proper time—which I understand will be after the Holland amendment has been disposed of—I shall offer my proposal as a substitute for the entire joint resolution.

Mr. President, I yield the floor.

AMENDMENT OF NATIONAL DEFENSE EDUCATION ACT OF 1958

Mr. KENNEDY. Mr. President, on behalf of the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from New York [Mr. JAVITS], and myself, I introduce, for appropriate reference, a bill to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of disbelief.

I wish to read into the RECORD at this point a joint statement by the Senator from Pennsylvania [Mr. CLARK] and me, and I am sure the senior Senator from New York [Mr. JAVITS] will wish to join us in the statement.

The bill we have introduced today, which is a modification of a similar proposal we sponsored last session, is designed to strike out of the National Defense Education Act a section which has seriously weakened the effectiveness of that act and given offense to countless members of the academic community in all parts of the country. That section is 1001(f)(1) which states that no person shall receive funds under the act unless he has filed an affidavit certifying—

> That he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods.

Our objections to the "affidavit of disbelief" are these:

First. It is unnecessary. Section 1001(f)(2) requires all beneficiaries of the act to take a standard loyalty oath of allegiance to the Government. This bill does not change that requirement. Why should a student be required to swear that he is loyal as well as that he is not disloyal? Severe criminal laws exist for use against those who teach or advocate the violent overthrow of the Government, whether or not they have applied for benefits under the Education Act.

Second. It is ineffective. No convinced Communist would hesitate to take either the oath or the affidavit.

Third. It defeats the purpose of the act. While the disloyal person would not hesitate to take it, some intelligent conscientious young people, of the very kind the act is designed to help, have refused to participate in the defense education program because of this requirement. A number of the finest institutions of higher education in the country, in all regions, public and private, sectarian and nonsectarian, have refused to accept any funds because of section 1001(f)(1), and the list of these institutions is growing.

Fourth. It is discriminatory. Businessmen who receive Government loans or contracts, farmers who receive Government subsidies, veterans and their dependents who receive Government pensions—none of them have to file

sworn statements that they do not believe in organizations which believe in the overthrow of the Government. Only students are required to do so. And not all students—just those from poor families who are obliged to borrow funds to complete their education.

For these reasons, and many more, we urge the early passage of our bill to repeal the "affidavit of disbelief."

We are confident that the bill in its present form has the support of the overwhelming majority of the college and university students and teachers in the United States, and that it merits and will attract a majority of votes in the Senate.

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

The bill (S. 2929) to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of belief, introduced by Mr. KENNEDY (for himself, Mr. CLARK, and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. The Chair also wishes to express the hope that the bill will attract the support of a large majority of Senators.

Mr. KEATING. Mr. President, I should like to inquire of my distinguished colleague whether he feels that in the committee there is a reasonable chance this measure, which represents, as I understand, the action taken last year prior to the recommittal motion, has a reasonable chance of being reported favorably by the committee to the Senate.

Mr. KENNEDY. I will say to the Senator, last year we reported a bill providing for a complete repeal of the affidavit provision. That bill came from our committee by a vote of 13 to 2. Now what we have done is to provide that the pledge of allegiance shall remain, but the affidavit of disbelief is to be repealed. It is my judgment that the committee will again report such a provision by an overwhelming vote, and I hope shortly.

I am most concerned about what will happen on the floor of the Senate. I believe this is where we should address our concern. I think the majority will support the provision.

Mr. KEATING. I share the hope of the Senator from Massachusetts that we can get action on the measure in its present form, for I believe it will be a great improvement over the original measure which came before the Senate last year. It should command the support of a majority of the Members of the Senate. I certainly hope that it will.

I myself have had a great deal of mail on this subject, and I see no reason on earth why a student applying for a loan should not take the same oath which we as Members of Congress or those in the military service take, but to require the other affidavit in addition seems to me to be unnecessary, to be unwise, and to defeat the very purpose which is sought by many sincere people.

Mr. KENNEDY. The endorsement given by the junior Senator from New York I think will aid in passing the bill.

Mr. KEATING. I thank my friend from Massachusetts profusely for his kind remarks, which I feel sure are a considerable overstatement but which comport with the usual generous spirit in which he has always treated me.

Mr. KENNEDY. I thank the junior Senator from New York, and I thank the senior Senator from New York, a cosponsor of the bill.

Mr. JAVITS. Mr. President, I thank my colleague. I should like to state that I offered an amendment when the bill was before the Senate for debate, to eliminate the non-Communist affidavit and to preserve the loyalty oath. That amendment was adopted, but unfortunately was not agreed to by the conference committee.

I think what the Senator from Massachusetts, who has taken a leading position on the bill traditionally, is now doing is very sound. I am very glad to join with him.

Mr. President, I have a brief statement in regard to the repeal of the non-Communist affidavit provision in the National Defense Education Act of 1958.

I am joining as a principal cosponsor of the bill of the Senator from Massachusetts [Mr. KENNEDY] to remove from section 1001(f), title X, of the National Defense Education Act the requirement that every student applying for loan funds to further his higher education must sign a non-Communist affidavit. This requirement has been found so objectionable by the administrations and student bodies of 13 leading U.S. colleges and universities that they have withdrawn from this loan program while 6 other well-known institutions have cited the affidavit as the reason they will refuse to participate in the program at all.

The amendment introduced by the Senator from Massachusetts [Mr. KENNEDY], today would repeal that provision requiring students to sign a non-Communist affidavit while retaining the requirement that a loyalty oath be signed. With the elimination of the negative affidavit, and the retention of the more positive oath, I believe there is every reasonable expectation that those colleges and universities now out of the program will indeed rejoin or join it. Thus students desirous of obtaining National Defense Education loans will have available to them the broadest possible educational opportunities for developing their special talents—and that to me is the compelling reason for my cosponsorship of the bill.

In my home State of New York, Sarah Lawrence College in Bronxville, Columbia University, Cornell University, Queens College, Rensselaer Polytechnic Institute, and Syracuse University have all protested the affidavit requirement in strong terms to me personally, and in some cases directly to the Department of Health, Education, and Welfare.

It is important to stress that the Secretary of Health, Education, and Welfare, Arthur Flemming, has urged that this section of the act be repealed. Although it is unfortunate that even for a few months, students dependent on Federal loan funds to further their college education have perhaps been prevented from applying to the college of their first choice, the Congress should properly heed the reasoned arguments of the leaders of American academic and intellectual life who ask the repeal of the affidavit on the basis that it is seriously discriminatory in singling out such a large and important part of our population—American students. I hope that the Labor and Public Welfare Committee of which I am a member, and to which this legislation has been referred will give it prompt consideration.

Mr. President, I join with my colleague from Massachusetts in the anticipation that we shall have very prompt action in the committee upon this matter, and that the committee will act favorably in reporting the bill to the Senate.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

The Senate resumed the consideration of the joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gruening	McClellan
Bartlett	Hartke	Mansfield
Beall	Hennings	Prouty
Brunsdale	Hill	Robertson
Byrd, W. Va.	Holland	Scott
Cannon	Javits	Sparkman
Case, S. Dak.	Johnson, Tex.	Talmadge
Church	Johnston, S.C.	Thurmond
Clark	Jordan	Wiley
Cotton	Keating	Williams, Del.
Dodd	Kefauver	Yarborough
Frear	Lausche	Young, Ohio
Green	McCarthy	

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ] the Senator from Tennessee, [Mr. GORE], the Senator from Oklahoma [Mr. KERR], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Michigan [Mr. MCNAMARA] is absent because of a death in his family.

Mr. DIRKSEN. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], the Senators from Kansas [Mr. CARLSON and Mr. SCHOEPPEL], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], and the Senator from California [Mr. KUCHEL] are necessarily absent.

The PRESIDING OFFICER (Mr. GRUENING in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BIBLE, Mr. BRIDGES, Mr. BUSH, Mr. BUTLER, Mr. BYRD of Virginia, Mr. CARROLL, Mr. CASE of New Jersey, Mr. COOPER, Mr. DIRKSEN, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. ELLENDER, Mr. ENGLE, Mr. ERVIN, Mr. FULBRIGHT, Mr. HART, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HUMPHREY, Mr. JACKSON, Mr. KENNEDY, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MARTIN, Mr. MONRONEY, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. NEUBERGER, Mr. PASTORE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RUSSELL, Mr. SALTONSTALL, Mrs. SMITH, Mr. STENNIS, Mr. SYMINGTON, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERTSON. Mr. President, first the junior Senator from Virginia would like to have the RECORD show that the decision that the quorum call which has just now been concluded should be a live quorum was made by the Senate leadership.

Before the junior Senator from Virginia discusses Senate bill 2868, introduced by the distinguished Senator from New York [Mr. JAVITS], he wishes to make a brief reference to the concluding remarks of the Senator from New York, who said that this incubus—referring to the poll tax in five States—can no longer be carried by the body politic of this Nation.

That reminded me of a reference in a speech against a poll tax bill in August of 1948, in which I referred to a qualification of the State of New York known as the literacy test, which was at that time—and I assume still is—the equivalent of a seventh-grade education.

I asked the distinguished Senator from New York if he was familiar with the Morse bill of last year, which sought to take from the States their clear constitutional right to fix the qualifications of voters. It would include, of course, the property test, the poll tax test, the educational test, and similar tests they desired to apply. I asked him if he recalled that the Senator from Oregon proposed in his bill last year to wipe out all literacy tests. He said he did not know anything about that.

Let me read from what I said on that subject 11 years ago:

> I am also told that in order to register in New York one must pass a literacy test which is equivalent to a seventh-grade education. Suppose we were to apply that New York test to Virginia, Mississippi, and Florida. I do not like to make public confession of this, because in the district which I formerly represented in the House, known as the Shenandoah Valley, there are a great many elementary schools, high schools, preparatory schools, and colleges. As farming areas go, it is a rather prosperous section, and as people go, the people of that section are fine people, and I am very proud of them. The chief recruiting officer in that area told me 2 years ago, when I complained of the fact that the Army was taking so few boys from Virginia, that in that district 42 percent of those who volunteered were rejected because they did not have the equivalent of a seventh-grade education. I said, "Then your tests must be too exacting, and your standards must be too high. Those boys have plenty of common sense and courage. They know how to shoot, and they would make fine soldiers. The tests must be too severe." He replied, "No; the modern army has a great many newfangled scientific devices, and if the boys are not educated we cannot use them."

That was in the Shenandoah Valley, one of the best areas in the State of Virginia. Of course, the precentage then, and since, in the 20 counties, where there are as many colored boys as there are white boys, of those who were rejected because they could not meet the seventh-grade test is far higher than 42 percent.

Yet the distinguished Senator from New York refers to a requirement of $1.50 a year, all of which goes to the schools, and from which Virginia is deriving nearly $2 million in revenue, as an incubus upon the body politic which can no longer be carried. But a literacy test, which would disqualify many foreigners who cannot speak English, is entirely proper. That is no incubus.

Because voters come and go, there is in New York a requirement to register before each election. It seems they are not trusted, for there is no provision for permanent registration. The requirement to register before each election disqualifies more prospective voters in the city of New York alone than does the failure to pay a poll tax in the entire State of Virginia.

The Senator from New York says the poll tax is an incubus and should be repealed. Although he is a brilliant lawyer, I feel he gave a demonstration today of the old maxim, "There are none so blind as they that won't see."

He knows the history of the Constitutional Convention in Philadelphia, and of the history of the ratifying conventions. He knows the explanation given in the Federalist Papers by both Alexander Hamilton and James Madison—that we were creating a new Federal Union of sovereign States and that the Founding Fathers were determined to keep that Union from acting in a despotic manner. He knows that the sovereign States kept to themselves, and shall always keep to themselves, the right to determine the qualifications of electors.

The Senator from New York [Mr. JAVITS] knows of the legal decisions, and cites the 14th and 15th amendments to the Constitution. I will refer to a series of cases on both amendments to show that they have no relation whatever to the qualifications of voters.

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

Mr. ROBERTSON. I yield to the distinguished Senator from Georgia.

Mr. RUSSELL. I am sure that my distinguished friend from Virginia, who is an eminent constitutionalist and scholar, is aware of the fact that the language to which he refers, giving the States the right to prescribe the qualifications of voters, is the only language that appears in the Constitution and in the amendments thereto in identical terms in two places.

Mr. ROBERTSON. Article I, section 2, and the 17th amendment.

Mr. RUSSELL. In the 17th amendment. So no argument can be made as to what the 14th and 15th amendments did in the case of the election of Senators. If these amendments repealed the original power of article I, it was reinstated when the 17th amendment was adopted as to Senators.

Mr. ROBERTSON. Absolutely. There can be no question about it.

Mr. RUSSELL. So there can be no collision between the 15th amendment and the 14th amendment and the qualification in the original Constitution, because the last word on the subject was in the 17th amendment, wherein the identical language was approved by the States subsequent to the adoption of the 14th and 15th amendments. So, if the 14th and 15th amendments were contrary to the qualification power in article I, it was reaffirmed and reestablished when the 17th amendment was adopted as to the election of Senators.

Mr. ROBERTSON. I could not agree more fully with the Senator. I wish to ask my distinguished colleague from Georgia if he agrees with this: "There are none so blind as they that will not see."

Mr. RUSSELL. That saying is as old as Holy Writ, and I will be the last to dispute it.

Mr. ROBERTSON. As the Senator has pointed out, the 17th amendment carries the exact language he has referred to, adopted after the 14th and 15th amendments had been adopted. It states that the "electors in each State shall have the qualifications of the electors of the most numerous branch of the State legislatures." But the amendment does not say anything about Congress determining the "times, place and manner of holding elections."

I conclude, therefore, that the Senator from New York hopes to change the Constitution in every respect. He urges that we should wipe out the power of establishing a property qualification as is done by seven States—many of them Northern States, such as Maine and Massachusetts. Virginia, of course, abolished the property qualification long ago, and so did the State of the distinguished Senator from Georgia.

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

Mr. ROBERTSON. I yield.

Mr. RUSSELL. All of the Thirteen Original States had, in one form or another, a property qualification for the exercise of the franchise.

Mr. ROBERTSON. The Senator from Virginia now wishes to discuss the specific provisions of S. 2868, because we are put on notice that that is where the real fight is coming. We are told to repeal the poll tax by constitutional amendment is the legal thing to do, but that that process is too slow. Where does that leave us with respect to all the other constitutional questions and civil rights questions which it is proposed to bring up before the session is over?

To amend the Constitution by legislative procedure is easier, it is argued. If we do that by the statutory method with respect to one civil right, then we will be confronted with the same situation when we consider the other rights which are not the subject of a constitutional amendment because they are reserved to the various States.

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

Mr. ROBERTSON. I am glad to yield.

Mr. RUSSELL. The Senator is aware of the fact that if it is possible to create by statute an alleged civil right in violation of the Constitution, then it is a simple matter to take away by statute any constitutional right which any citizen of the United States may enjoy.

There was a time when I was very critical of some of my brethren in the Senate for undertaking to eliminate by statute the plain provisions of the Constitution. However, in the light of the precedent set by the Supreme Court in 1954, when they changed the Constitution by Court decision—and I do not believe that the Court has as much power in that area as has Congress—I am constrained not to be quite so critical of some of my brethren for undertaking to change the Constitution by statute.

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

Mr. ROBERTSON. I am glad to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. As I recall, the Supreme Court, in a comparatively recent case, Breedlove against Suttles, held that a State has the constitutional power to impose a poll tax as a condition precedent to voting.

Mr. ROBERTSON. That is absolutely correct. I will cite that case later.

Mr. ERVIN. Does not the Senator think that those who undertake to repeal the poll tax by statute, as distinct from a constitutional amendment, are manifesting a lack of confidence in the judicial stability of the Supreme Court?

Mr. ROBERTSON. One could well think so. The distinguished Senator from New York tried to justify himself by saying, "I am not claiming that the imposition of a poll tax is unconstitutional."

Of course, being a good lawyer, I assume he knows how many cases, including a recent case in Virginia, Butler versus Thompson, have held that the poll tax was constitutional. But, he said, that does not mean that Congress cannot make it unconstitutional.

In the opinion of the Senator from Virginia, Congress cannot make anything unconstitutional without reference to the meaning of changing the Constitution. That is what is proposed here. An effort is being made to try to shade the meaning, so the proposal does not mean qualifications. An effort is being made to try to shade the meaning of fraudulent practices, which, the Senator from New York says, the Federal Government has a right to control; ipso facto, he says, the imposition of a poll tax causes fraudulent practices, because we have heard of fraud being committed under it. He says: We have a poll tax; fraud has been committed in connection with it; therefore, the poll tax is fraudulent.

I believe that is the kind of argument that Cicero would have called post hoc, ergo propter hoc: If one follows the other, the other is the cause.

In calling once again the poll tax an incubus upon the body politic of the United States, the Senator from New York says that we cannot wait for the legitimate processes of a constitutional change.

The Senator from Virginia, on the contrary, does not see that there is any necessity for change. In my opinion, we are getting along very well in Virginia, nor do we deny anyone proper rights. Moreover, other States which have poll taxes feel the same way. As the distinguished Senator from Georgia said to me today, those who do not have the problem are proposing a remedy. They therefore offer to tell us what to do about poll taxes, registrars and referees.

The proposal of the Senator from New York is very serious. I am sure that the 22 Senators who cosponsor the bill would realize that if they would take the time to read the history of the Constitutional Convention, the explanation of it by Madison and Hamilton, the debates in the ratifying conventions and the decisions of the Court as these issues came before it.

I ask them to consider seriously the issue because we swore as Senators to uphold the Constitution of the United States.

Far be it from the junior Senator from Virginia to imply that any colleague would consider lightly that oath. But he does urge that they consider the principles and facts involved in such bills as this one before us.

We have a form of government which, as it is at present constituted, is older than any other in the world. It is the deliberate opinion of all who have commented on our prosperity, diversity of interests, and success as a Nation, that the only thing which has enabled us to hold together as a Nation longer than has any other form of government is the fact that we have given to the central government limited powers. We have reserved to the 48 States, now to the 50 States, powers not given to the Central Government. I am persuaded that we cannot encroach lightly upon the powers of the States and expect this wonderful experiment in representative democracy to survive.

Therefore, I say the Javits bill is a serious attack upon the rights of the States and should not be treated lightly by any Member of the Senate.

Mr. President, my purpose in taking the floor today is to point out the fallacies in the latest of a number of bills which seek to outlaw the poll tax. Specifically, my discussion will treat S. 2868, introduced on January 20 by the Senator from New York [Mr. JAVITS] for himself and other Senators.

Serious consideration of an amendment to the Federal Constitution as proposed by Senate Resolution 126 makes my task easier. For it is my conviction that the list of 66 Senators who have signed the resolution—known as the Holland resolution—is at least a demonstration of their own doubt of the constitutionality of such action by legislation. No less a person than Clarence Mitchell, of the NAACP, recognized this interpretation in his statement on Senate Joint Resolution 126 before the Subcommittee on the Judiciary—see hearings before subcommittee of the Committee on the Judiciary, on Senate Joint Resolution 126, 86th Congress, 1st session, August 17 and 27, 1959, page 71. The same fear was expressed by the Senator from New York [Mr. JAVITS] when he introduced S. 2868.

Let me add that, in my opinion, if such a result is to be effected, the proper means would be by constitutional amendment, rather than by legislative action. But I would not favor the result.

I shall turn to S. 2868 and to such new developments as there may be in a subject that has been thoroughly debated for 20 years.

THE THEORY OF S. 2868

S. 2868 would make it unlawful to require any tax or to impose a property qualification as a prerequisite to voting in a national election, or to interfere with a person's registering or voting because of his failure to pay the tax or meet the qualification. The bill states that any such action "shall be deemed an interference with the manner of holding primaries or other elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government." In his amendment, the Senator from New York seeks to spell out what he knows is not in the law. He calls it a "manner," when, of course, he is dealing with the qualifications of electors, rather than with the manner in which they shall vote.

It is a little difficult to discover the penalties the authors of the bill have in mind for future violators of the act. This is because, unlike former bills, there is no provision for injunction, fine, or imprisonment. In my opinion, the vagueness of S. 2868 on the subject of remedies is a fitting companion of the weakness of its constitutional basis.

I would note here, however, that the present proposed legislation is less extreme than some. For instance, it does not seek to outlaw literacy or intelligence tests as did a measure introduced last July 9; on the other hand, it does outlaw property qualifications, a step often not included in the other proposals.

In the words of its sponsor, the intent of the bill is not only to eliminate poll taxes in the five States where they remain, Alabama, Arkansas, Mississippi, Texas, and Virginia, but also to remove any other economic (property) qualification for voting. Thus, if passed, it would apply to statutes on the books of Florida, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and South Carolina.

In my judgment, S. 2868 would be unconstitutional because it would conflict

with the constitutional provisions that the qualifications for electors are to be prescribed by the States.

I am comforted to find that my doubt about the constitutionality of such bills is shared by the recent report of the U.S. Commission on Civil Rights, September 9, 1959. After discussing briefly the cases' arguments in issue, the report states at page 118:

> The debate on these bills would thus seem to indicate that the constitutionality of Federal antipoll-tax legislation is at least doubtful.

That is the Commission which proposed the appointment of the registrars. Coming from such a source, it is an admission indeed.

The theme that will prove dominant in my analysis is as follows: If it is established by congressional action that Congress has the right to determine any qualification for voters in all elections, that principle can be applied to every form of qualification. Thereafter a temporary majority in the national legislature will be able to broaden or restrict the electorate to serve its own ends. It is because of this fear, that the National Government might be able to qualify the electors of the States to keep itself in power; or conversely, that the States might combine to destroy the National Government, that led to the present constitutional provisions. As will become clear in a moment, such a danger was anticipated, debated, and provided for by the Founding Fathers.

Here are the provisions of the Constitution of the United States which are involved:

Representatives, article I, section 2:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 17th amendment, relating to the election of Senators, was recently referred to by the distinguished senior Senator from Georgia [Mr. RUSSELL]. It reads:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Mr. President, mark you this. This was after the 15th amendment was adopted.

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Representatives and Senators, article I, section 4:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

ANALYSIS OF THE ARGUMENT

The first question is whether the imposition of a poll tax as a prerequisite for voting is a matter of qualification of a voter, under article I, section 2, of the Constitution, or whether it is a matter involving the "manner" of holding an election and covered by article I, section 4, of the Constitution. If the poll tax is a matter of qualification, then it is up to the State to determine what restrictions it wishes to impose, subject only to the condition that the State may not impose restrictions discriminating against prospective voters on the basis of race, color, or previous condition of servitude in violation of the 15th amendment, or against voters on account of sex in violation of the 19th amendment. If, on the other hand, the poll tax is a matter involving the "manner" of holding an election, then the Federal Government may, if it wishes, supersede the requirements imposed by the States.

Likewise, from time to time efforts are made to invalidate restrictions and discriminations in voting requirements on the ground that they violate the privileges and immunities, or equal protection, provisions of the 14th amendment.

In my opinion, the imposition of a poll tax is a matter of the qualifications of a voter, controlled exclusively by the State under article I, section 2, of the Constitution. Therefore, the Federal Government cannot under article I, section 4, of the Constitution, prohibit the imposition of a poll tax under the guise of regulating the "manner" of the election. Accordingly, article I, section 4, of the Constitution is not a proper basis for S. 2868, section 1 of which defines the imposition of a poll tax as an interference with the "manner" of holding primaries and elections for national officers.

As will be demonstrated, the Supreme Court has made it clear that poll taxes and other qualifications imposed by the States are based on article I, section 2, and are solely within the control of the State.

Moreover, Congress does not have any power to regulate even the "manner" of appointing electors for President and Vice President. Thus, if it be conceded that the qualifications of electors for these offices did relate to the manner of holding elections, the bill before the Senate would be unconstitutional. Article II, section I, of the Constitution is explicit when it provides that "each State shall appoint, in such manner as the legislature thereof may direct," the electors for President and Vice President.

So when S. 2868 tries to supersede that language, it is in the teeth of the words of the Constitution itself.

Section 1 of S. 2868 also states that poll taxes shall be deemed an abridgment of the right and privilege of citizens of the United States. This may be a reference to the 14th, 15th, and 19th amendments.

Court decisions have held that the 14th and 19th amendments do not preclude the imposition of a poll tax. Moreover, the case of Butler against Thompson, discussed later, has held that the Virginia poll tax is a valid exercise of the State's authority under article I, section 2, of the Constitution, and neither in its terms nor its application violates the 15th amendment. S. 2868, in finding that all poll taxes abridge that amendment, would not be constitutional.

In the same section of the bill is a congressional finding that poll taxes are a tax on "such rights and privileges." For the sake of argument, let us assume that such "privileges of U.S. citizens" to vote, as proponents of the bill assert, do in fact exist. Nevertheless, reasonable taxes may be imposed to raise money for the support of government.

The Breedlove case, which I shall discuss later—which case was mentioned earlier today by the distinguished Senator from North Carolina [Mr. ERVIN]—points out that so long as the statute appears to be bona fide, and that payment as a condition to voting appears a reasonable method of collection, the tax law is not forbidden by the Constitution.

These taxes as well as property qualifications are also deemed by S. 2868 to be "an obstruction of the operations of the Federal Government."

I admit I am perplexed as to what operations are intended by this clause, except by referring to the Federal Constitution. For it is that instrument which defines the scope of Federal and State powers. Therefore, we will later read it in detail to discover how it defines these so-called voting operations of the National Government.

The aim in succeeding parts of my speech is to reveal the history of State power over voter qualifications, as shown by the constitutional debates and the Federalist papers, and then to develop the court decisions which prove the assertions above. Fortunately, the framers of that document left us in no doubt on the subject.

DIFFERING QUALIFICATIONS OF THE STATE

A. The Constitutional Convention

At the outset, we should take note of the fact that in 1789 the States had rigorous and widely differing requirements for voting. These were summarized by Chief Justice Waite in his opinion in *Minor* v. *Happersett*, 21 Wall. 162 (1874), at page 172. The general requirement was ownership of property, usually real estate. In 1789 Georgia liberalized its requirements by extending the vote to those who had prepaid taxes, even though they did not qualify by property ownership. Other States followed suit. Thus, the adoption of the poll tax was not a device for restricting suffrage, but one of liberalization.

Specifically, at the time the Thirteen Original States formed the Union, the provisions of six State constitutions and the colonial charters of Rhode Island and Connecticut, in referring to a poll tax, as in New Hampshire, or to a property tax requirement, used either the word "qualifications" or the word "qualify" as applicable to those requirements for voting. For language of those documents, see hearings before a subcommittee of the Committee on the Judiciary on Senate Joint Resolution 126, 86th Congress, 1st session, August 17 and 27, pages 23–29.

These differences occasioned many debates in the Constitutional Convention on the possibility of uniform qualifications for voters.

In examining the records of the Convention, it is well to keep in mind that three principal problems were involved:

First. The first and most important question was whether the Representatives should be chosen by the people or by the State legislatures. This threshold issue was resolved in favor of popular election in the Committee of the Whole and the decision was sustained by the formal action of the Convention.

Second. Once popular election had been voted, the next question was what qualifications should be required of electors for Representatives, and whether Congress should be given any power to change the qualifications as so established. The committee of detail decided to define the qualifications of electors in the Constitution itself and to deny to Congress any power to change the definition. While some members of the Convention favored setting forth in the Constitution even more detailed qualifications for electors, the report of the committee of detail was adopted by the Convention.

Third. The next question was the extent to which the States and Congress should participate in regulating the times, places, and manner of holding elections for Senators and Representatives. The committee of detail gave the subject to the State legislatures in the first instance, with a power of revision in Congress. With some modifications, this plan was adopted by the Convention.

Popular suffrage

The decision to provide for Representatives to be chosen "by the people" rather than by State legislatures was an important one for the history of popular suffrage. Moreover section 2, article I, finally evolved:

ARTICLE I

SEC. 2. The House of Representatives shall be composed of Members chosen every second year "by the people" of the several States, and the electors in each State shall have the qualifications requisite for electors of the "most numerous branch" of the State legislature.

The quoted words also assured a broad popular base.

Nevertheless, in my opinion, too much emphasis has been laid upon this decision of the Committee of the Whole, popular suffrage, and on the words "by the people." An example of this emphasis may be found in the U.S. Commission's Report on Civil Rights—page 5, footnote 9.

To my understanding, on the contrary, the full import of the final wording of this section means the following:

As a definition of an electorate the phrase "by the people" would be entirely unsatisfactory, for it includes every living human being, even the infant in the cradle, wholly incapable of participating in an election. No State today undertakes to define its electorate as simply "the people" without any further specification.

Moreover, if the phrase "by the people" had been intended to define an electorate, then the concluding clause of article I, section 2, "and the electors of the most numerous branch of the State legislature" would have been meaningless, unnecessary, and out of place. The most numerous branches of the State legislatures in 1787 were elected by the people. If the phrase "by the people" was sufficiently definite so as to designate the electorate for Representatives, it was also definite enough to define the electorate for the most numerous branches of the State legislatures. If this was the case, the framers would have produced a clause that read something like this:

The House of Representatives shall be composed of Members chosen every second year by the same people who choose the most numerous branches of the State legislatures.

The Constitution uses a different term than "by the people" to define the electorate, or the group of individuals, who shall participate in the choice of Representatives. The term is "electors."

The question then arises as to what aggregation of individuals constitutes the group known as electors. The Constitution is specific:

And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The electors for Representatives are the groups of individuals who have the qualifications requisite to voting for Representatives. The electors, or qualified voters, in each State are defind by the Constitution as those individuals who "have the qualifications requisite for electors of the most numerous branch of the State legislature."

The very simplicity of this section tends to mislead one to take the view that the States establish the qualifications of electors for Representatives. As the U.S. Supreme Court pointed out in United States against Classic:

In a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States (313 U.S. 299, 315 (1941)).

Careful analysis shows this is not true. The Constitution itself defines the qualifications of electors for Representatives and does so in imperative language, "the electors shall have."

Article I, section 2, does not give the States any power to decide who shall vote for a U.S. Representative. A State has no power to deny the right to vote for a U.S. Representative to a person who is qualified to vote as an elector for the most numerous branch of that State's own legislature. Similarly, a State has no power to give the right to vote for a U.S. Representative to a person who is not qualified to vote as an elector for the most numerous branch of that State's own legislature. A State is simply without any power in the premises.

Just as clearly, article I, section 2, does not give the Congress, or any other branch of the Federal Government, any power to decide who shall vote for a U.S. Representative. Congress has no power to deny the right to vote for a U.S. Representative to a person who is qualified to vote as an elector for the most numerous branch of that State's own legislature. Similarly, the Congress has no power to give the right to vote for a U.S. Representative to a person who is not qualified to vote as an elector for the most numerous branch of that State's own legislature. Congress is simply without any power in the premises.

The long and short of the matter is that neither the States nor the Congress has any power over the qualifications of electors for U.S. Representatives, since this subject has been completely covered in the Constitution.

Qualifications in the committee of detail

Once popular election had been voted, the next question was what qualifications should be required of electors for Representatives, and whether Congress should be given any power to change the qualifications as so established. The committee of detail decided to define the qualifications of electors in the Constitution itself and to deny to Congress any power to change the definition. While some members of the Convention favored setting forth in the Constitution even more detailed qualifications for electors, the report of the committee of detail was adopted by the Convention.

On July 24 the Convention named a Committee of Detail to report a Constitution conformable to the resolutions adopted by the Convention. Among the resolutions referred to this committee of detail were the following:

Resolved, That the Members of the first branch of the Legislature of the United States ought to be elected by the people of the several States.

Resolved, That the Members of the second branch of the Legislature of the United States ought to be chosen by the individual legislatures (2 Farrand 129).

The papers of this committee show the development of what came to be article I, section 2, clause 1, and article I, section 4, clause 1, of the Constitution.

Among the papers of the committee of detail is the final draft, designated document IX by Farrand, in handwriting by James Wilson and emendations by Rutledge. It contains the following provisions:

The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be—

Then these words were stricken—

prescribed by the legislatures of the several States, but these provisions concerning them may, at any time be altered and superseded by the Legislature of the United States—

And these words were substituted—

the same from time to time as those of the electors, in the several States, of the most numerous branch of their own legislatures.

* * * * *

The times and places and the manner of holding the elections of the Members of each House shall be prescribed by the legislatures of each State; but their provisions concerning them may, at any time, be altered—

The words "or superseded" were stricken out here—

by the Legislature of the United States.

This final draft of the committee of detail is of unusual significance because it shows that the committee considered and deliberately struck out of its report a provision giving Congress the power to

alter and supersede the qualifications of electors as prescribed by the legislatures of the several States. Instead, the committee defined the qualifications of electors in the Constitution, denying the power to both the States and the Congress.

I am reading the genesis of the present language. I am showing the Senate that the framers of the Constitution considered doing what we are considering doing today. Those men who wrote the Constitution struck out that language.

If those who do not think this was the best instrument of government ever devised by the hand of man want to change it, they are free to do so. Let us not do it, however, by a bare majority of Congress that can, on another occasion, by another majority, change it again.

Mr. President, except for changes in orthography, the final draft of the committee of detail was printed and delivered to the Convention on August 6 (2 Farrand 176, 177). This report read as follows:

IV

SEC. I. The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures.

* * * * *

VI

SEC. I. The times and places and the manner of holding the elections of the Members of each House shall be prescribed by the legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States (2 Farrand 178–179).

The proposal of the committee on detail which I have just mentioned touched off a long debate, in which Gouveneur Morris, of Pennsylvania, advocated a uniform rule in the Constitution limiting the franchise to landowners. He objected to making the question of qualifications dependent on the will of the States, not because he thought they would unduly restrict the electorate, but because he feared they would be too generous in extending the privilege.

Oliver Ellsworth, of Connecticut, warned, however, that the right of suffrage was a tender point, carefully guarded in the State constitutions, and that tampering with it might wreck the new National Government.

James Wilson, of Pennsylvania, also took issue with Morris. He said it would be difficult to settle on a uniform rule for all States, and he pointed in particular to the possibility that a disagreeable situation might arise if electors of the State legislature and Congress were not the same.

"It would be very hard and disagreeable," Wilson said, as reported by Madison, "for the same persons, at the same time, to vote for Representatives in the State legislature, and to be excluded from a vote for those in the National Legislature"—5 Ell. Deb. 382.

George Mason, of Virginia, also contended for the very point I am stressing today—that a power to alter the qualifications of voters would be a dangerous power in the hands of the National Legislature. Once the principle is established that the Congress can make such changes, the power used at one time to expand the electorate may be used at another to restrict it, and, theoretically at least, the restriction could be carried so far that we would have a despotism.

Mr. Mason called attention to the fact that eight or nine States already had abolished landholding qualifications, although most of them continued to require some material evidence of the citizen's responsible interest in his Government.

At the conclusion of this debate the Morris proposal to limit the ballot to freeholders was defeated by a vote of seven States to one and the committee plan was adopted without a dissenting vote. Its language was changed only slightly, and became that part of section 2 of article I of the Constitution which reads:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This ended the debate on the qualifications of voters. The people were to elect the Representatives; the qualifications of electors were to be the same as those prescribed by the States for the most numerous branch of the State legislatures.

This debate reveals the importance of the theme I earlier mentioned, that the Central Government must not be given the power to perpetuate itself by controlling electorate qualifications.

Manner of holding elections

On August 9 the Convention considered article VI, section 1, of the report of the committee on detail, which read as follows:

The times and places and manner of holding the elections of the Members of each House shall be prescribed by the legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States.

The debate which followed shows clearly the scope the Convention intended that this provision should have. The debate is reported in Madison's Journal as follows:

Mr. Pinckney and Mr. Rutledge moved to strike out the remaining part, viz "but their provisions concerning them may at any time be altered by the Legislature of the United States." The States they contended could and must be relied on in such cases.

Madison pointed out that the necessity of a Central Government supposes that the State legislatures will sometimes fail or refuse to consult the common interest at the expense of their local conveniency or prejudices.

This view of the question seems to decide that the legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. * * * It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or viva voce, should assemble at this place or that place; should be divided into districts or all meet at one place, and all vote for all the Representatives; or all in a district vote for a number allotted to the district; these and many other points would depend on the legislatures. * * * Whenever the State legislatures had a favorite measure to carry, they would take care so to mould their regulations as to favor the candidates they wished to succeed.

I digress to mention a little point of colonial history in Virginia. What Madison was concerned about was that the legislature might do this if the Federal Government did not have any power over the times, places, and the manner of holding elections.

The enemies of James Madison, who led the fight for the ratification of the Philadelphia Constitution, redistricted his home of Orange and carried the district clear down to Richmond, with the intention of defeating him in his race for election to the U.S. House of Representatives. His opponents came pretty close to defeating Madison under the provision about which I am talking and which it was said might sometimes be abused. That was an early illustration, the first I know, of gerrymandering, when the opponents of ratification did it. The provision only carried by a majority of nine in the convention, and the opponents retaliated against the chief architect, the man who promised to carry out the intention of the convention by proposing for adoption the Mason bill of rights and the 9th and 10th amendments. They were to resolve the doubts raised by Patrick Henry and Mason, that we were framing a new instrument of oppression of the States and the people thereof. His opponents almost gerrymandered Madison out of political life.

Mr. King then said:

If this power be not given to the National Legislature, their right of judging of the returns of their Members may be frustrated. No probability has been suggested of its being abused by them.

The motion of Mr. Pinkney and Mr. Rutledge to remove control by the Federal Government did not prevail.

On the motion of Mr. Read the word "their" was struck out, and "regulations in such cases" inserted in place of "provisions concerning them." The clause then reading "but regulations, in each of the foregoing cases may at any time, be made or altered by the Legislature of the United States." This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

Those are Madison's notes I have quoted:

Article VI, section 1, as thus amended was agreed to (be sent to the convention) (2 Farrand 239–42; see also 2 Farrand 229, 244).

The committee of style reported back the Constitution, with only slight changes in phraseology in these provisions, on September 12 (2 Farrand 582, 585, 590, 592). When the report was considered, the Convention made one change in article I, section 4, reported by Madison in the following language:

Article I, section 4: "Except as to the places of choosing Senators" added nem: con: to the end of the first clause, in order to exempt the seats of government in the States from the power of Congress (2 Farrand 613).

In this form these provisions of the proposed Constitution were approved and submitted to the States for ratification (2 Farrand 651, 653).

In summary, the records of the Federal Convention of 1787 show that the Convention was closely divided on whether there should be popular election of Representatives. After popular election was accepted, the Convention divided on the extent to which the qualifications of electors should be written into the Constitution and whether Congress should be given any power in the premises.

I am sure Senators remember the words of Benjamin Franklin when he proposed this solution:

> In this emergency, when we are groping in the dark, as it were, to discover political truth, and scarce able to perceive it when presented to us, why has it not once occurred to us to ask the Father of Light to illuminate our understanding?

That indicates not only the great wisdom but also the great statesmanship of the best qualified group of men who ever sat down to frame a constitution in the history of the world. They had studied history all their lives, and they came forth with one of the greatest documents in all political history. Yet we think we can lightly amend it, or pass an act of Congress, forgetting our oaths to support the Constitution. That is the thing that makes this issue so vital to me, and to the future of our Nation.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. I compliment my distinguished friend and colleague from Virginia on the able and scholarly speech he is making on this subject.

My own State of Georgia repealed the poll tax 15 years ago, but I do not think that necessarily means that Virginia or any other State ought to repeal its poll tax merely because the State of Georgia has done so.

Does the Senator believe that the Congress has demonstrated any superior knowledge as to how the affairs of Virginia or Oregon should be conducted, as compared with the knowledge possessed by the General Assembly of Virginia or of the State of Oregon?

Mr. ROBERTSON. The Senator from Virginia, as a college boy, studied Woodrow Wilson and read his books. He was a Woodrow Wilson delegate to the State convention at Norfolk in 1912, and he thought that Woodrow Wilson, as a political philosopher, was about as near to Thomas Jefferson as anyone in modern times. The junior Senator from Virginia thought that no one could be more correct than Woodrow Wilson when he said:

> I do not want a smug lot of experts to sit down behind closed doors in Washington and play providence for me.

That summarizes his statement, the principle of which I am trying to emphasize. We would not have had a Federal Government if we had not been willing to protect the rights of the States.

Of course, the States can handle their domestic affairs better than can the Central Government in Washington. As Thomas Jefferson said, whenever we must be told from Washington when to sow and when to reap, we shall lack for bread. I could not agree with my friend from Georgia more completely. Certainly the Congress has not shown any superior wisdom over that of the States in conducting the domestic affairs of the country.

Mr. TALMADGE. Does not the distinguished Senator feel that the legislatures of the 50 States of the Union are closer to the people, and are better qualified to judge what laws they should have regarding their election machinery, than any agency that operates through compulsion, be it by means of a constitutional amendment, legislation, or otherwise, from Washington, D.C.?

Mr. ROBERTSON. I could not agree more completely. That was one reason I was so emphatic in my support in 1950 of the Senator's senior colleague [Mr. RUSSELL] for the Presidency. He had served as Speaker of his State's house of representatives. He was probably the youngest man who had ever served in that capacity. He knew county government. He knew the legislature. He had served as Governor and had served in the National Legislature. He knew this Government from the grassroots on up. He knew enough so that as President he would not have tried to run every little precinct from Washington and tell it what to do.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Is it not true that the more remote government is from the people, the less responsive it is to the will of the people?

Mr. ROBERTSON. The Senator is absolutely correct.

Mr. TALMADGE. Is it not true that when we centralize all regulatory power in the Central Government, far removed from the people, that is the beginning of dictatorship, under which the people cannot control the Government, but rather are controlled by the Government?

Mr. ROBERTSON. The Senator is correct. The great bulwark against any drift into socialism, and eventually from socialism into dictatorship, is the rights of the 50 sovereign States. When we break those down, we destroy the great protection the framers of our Constitution intended for the preservation of the Republic as a representative form of government.

The final decision was to deny Congress all power. Qualifications of electors were defined in terms of an objective standard—the qualifications fixed by the people of the several States for electors for the most numerous branches of their own legislatures. Over strong opposition Congress was given power to regulate times, places—except as to Senators—and manner of holding elections.

As has been indicated, the members of the Constitutional Convention were conscious of the need to satisfy the people of the various States sensitive on the subject of suffrage rights. It was therefore one of the subjects which received close attention in The Federalist Papers written at the time to convince the State conventions to adopt the Constitution.

B. The Federalist

In No. 52 of the Federalist, it was written—we think perhaps by Hamilton:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government.

The Federalist author continued:

> It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

I call attention to the following words of the paragraph in the quotation:

> To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.
>
> The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comformable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

Then, in the "Fifty-fourth Federalist," it was remarked:

> The qualifications on which the right of suffrage depend are not, perhaps, the same in any two States. In some of the States the difference is very material.

C. Ratifying conventions

Later, at the Massachusets ratifying convention, in answer to a query as to whether Congress might prescribe a property qualification for voters, Mr. Rufus King, a member of the Federal Convention, said:

> The idea of the honorable gentleman from Douglass transcends my understanding; for the power of control given by this section extends to the manner of elections, not the qualifications of the electors.

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Those familiar with the Virginia ratifying convention know that Patrick Henry opposed the ratification of the

Constitution on the ground that it gave the Federal Government too much power. One issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix those qualifications. If the latter, the Federal Government would merely determine the times, places, and manner, if it wished to do so, of holding those elections, but those who had the right to vote under the State law would then freely participate.

Wilson Nicholas, a member of the Virginia convention, gave the members positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

He was a little too optimistic. But that was the assurance.

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

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I hope the Senator does not mean to impugn the good faith of the delegate Nicholas. I do not believe that any member of the Convention at that time would ever have thought that any Member of Congress would propose a statute undertaking to invade the right of the States to fix the qualifications of voters.

Mr. ROBERTSON. The Senator is correct. It was inconceivable to them. They could not believe that the time would ever come when anyone would stand on the floor of either House of Congress and propose a law to fix the qualifications of voters in any State.

Virginia agreed to ratify the Constitution only on the assurance that the first session of the Congress would propose bill-of-rights amendments to the Constitution, and even went a step further when the Convention named a committee, headed by Gov. Edmond Randolph and including James Madison and John Marshall, to draft a form of ratification that would include certain reservations as to States rights.

I want my southern friends to be reminded of the conditions under which Virginia entered the Union, and the conditions under which she left the Union in 1861. That was when Mr. Lincoln called for 75,000 volunteers to whip 5 Southern States back into the Union.

The resolution reported by that committee and adopted by the Convention said:

> The powers granted under the Constitution, being derived from the people of the United States, be resumed by them whensoever the same shall be perverted to their injury or oppression, and at their will.

Alexander Hamilton could not persuade New York to ratify the Constitution until the same reservation was adopted with respect to that State.

In explaining the voting plan to the North Carolina Convention, John Steele, like Wilson Nicholas, said:

> Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors: The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine who these electors shall elect—whether by ballot, or by vote, or by any other way.

In summary, the records of the State ratifying conventions show that there was strong opposition to giving Congress any control over elections. The explanations given in the conventions, demonstrating that the powers of Congress were very limited and did not extend to voter qualifications, sufficiently allayed the fears of the people so that the Constitution was ratified by a sufficient number of States.

SENATORS AND THE 17TH AMENDMENT

The significance of these limitations is reinforced by the adoption as late as 1912 of the 17th amendment. It provided for popular election of Senators in language identical to that of article I, section 2. This amendment says:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Thus, the Constitution and the amendments make it even clearer that Congress has no power over the qualifications of electors for Senators than it does in the case of Representatives.

If the manner of holding elections does include, as the bills before the Senate purport to declare, the power to fix qualifications for electors, Congress would still have no power to establish the qualifications of electors for Senators. On the contrary, the adoption of this viewpoint takes from Congress the power to regulate the manner of holding elections for Senators.

This is because the 17th amendment expressly provides that the electors for Senator "shall have the qualifications requisite for electors of the most numerous branch of the State legislatures," but the amendment is silent as to the power of Congress to regulate the "time" and "manner" of holding elections. If there is a conflict, the provision of the 17th amendment defining the qualifications of electors, being express and late in time, must prevail over the earlier provision contained in article I, section 4.

Such legislation, it should be remarked, was adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe operations of the newer poll taxes which were adopted between 1875 and 1908. It is a matter of record, however, that when the 17th amendment was debated in Congress, no issue was raised on the right of the States to determine the qualification of electors. But, on the contrary, serious consideration was given to a proposal to take away from Congress, by amendment, the authority to alter the times, places, and manner of holding elections.

The Senator from Florida [Mr. HOLLAND] recently called attention to the fact that ratification of this amendment was necessary by four out of five Southern States—North Carolina, Texas, Arkansas, Tennessee, and Louisiana. Each of these at that time in its constitution had poll tax requirements for voting for the election of the most numerous branch of their State legislature—for the constitutions at the time, see hearings on Senate Joint Resolution 126, before a subcommittee of the Committee on the Judiciary, 86th Congress, 1st session, August 17 and 27, pages 31 to 39.

Let us see how the framers interpreted the word "manner." That is what is being relied on in the Javits bill, which will be offered as a substitute.

Federalist interpretation of "manner"

Study must now be given to the fourth section of article I. It reads:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The main purpose of this section was to enable both bodies, the State and Federal Governments, to preserve themselves by the regulation of elections. In No. 59, Federalist, Hamilton wrote:

> It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention.
>
> They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Note that Hamilton, always an advocate of strong Central Government and fearful of State encroachments, in attempting to win support for the compromise provisions of the Constitution which he had helped to frame, claimed no more than that the national authority might interpose itself in the regulation of elections when necessary to its safety.

He argued that giving the exclusive power of regulating elections for the National Government to the State legislatures would leave the existence of the Union at their mercy, since they could annihilate it simply by refusing to hold any election for national officials. This is another recurrence of the theme I have tried to develop.

Turning then to the other side of the picture he said:

> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?
>
> The violation of principle, in this case, would have required no comment; and to an unbiased observer, it would not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction, that

each, as far as possible, ought to depend on itself for its own preservation.

Continuing his discussion in the Sixtieth Federalist, Hamilton said that with the House of Representatives being elected directly by the people, the Senate by the State legislatures, and the President by electors chosen for the purpose by the people, there would be little probability of a common interest to cement these different branches in a predilection for any particular class of electors.

As to the Senate he said:

It is impossible that any regulation of time and manner, which is all that is proposed to be submitted to the National Government in respect to that body, can affect the spirit which will direct the choice of its members.

Also discussing article I, section 4, in the Virginia ratifying convention, Mr. Madison explained:

It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the general Government, in order to enable it to produce uniformity and prevent its own dissolution.

And, considering the State governments and General Government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

This, it should be remarked, deals only with the times, places, and manner of holding elections and not with qualifications of voters since, under the provision of article I, section 2, a State could not attempt to dissolve the General Government by disqualifying voters without automatically dissolving its own government.

It is essentially a distinction between substance and procedure. This distinction was made by a concurring opinion in *Newberry* v. *U.S.* (256 U.S. 232, 280 (1920)). Attempting to prove that primaries are a part of elections, Justice Pitney said that the manner of holding elections "can mean nothing less than the entire mode of procedure—the essence, not merely the form, of conducting elections."

Arguments have been made that "manner" does not refer merely to procedure of elections; but to accept that premise is to agree to what the entire thrust of the constitutional debates refute, that the Central Government could impose uniform franchise qualifications. Rather, Hamilton argues that once the States set up a qualification, the Central Government could insist that it be carried out, that is, that elections be held. Hamilton's analysis was quoted by the majority opinion in Newberry against United States, where Justice McReynolds states that "manner" of holding elections does not mean power broadly to regulate them—pages 255 to 256.

Proponents, in the past, have sought to support legislation similar to that now before the Senate by claiming that to give article I, section 2, its natural meaning is to create a monstrosity, which will be used at any moment to destroy the Nation. The argument is that to allow the States the power of determining the electorate for Federal officials is to give the States the power to destroy the Federal Government. It is never made clear why the people of the several States, or of any single State, would want to do this, or how they would go about accomplishing this objective. Such an argument, based on an imagined evil, made in the year 1960 about a Federal Government that has lasted 170 years, survived a Civil War, and has continually grown stronger, needs no rebuttal.

Moreover, section 4, article I has been used as the author foresaw, to protect a Federal election from corruption. This will become evident later.

The foregoing history is convincing evidence that the members of the Constitutional Convention and the ratifying conventions intended the Constitution to give to the States and to the States only the authority to prescribe qualifications for voters. The courts have for years followed this interpretation.

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

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I am glad the Senator will discuss these decisions. It may be of some help to us if the Senator would give the year when each decision was rendered.

Mr. ROBERTSON. I will do that.

Mr. RUSSELL. My attitude toward the court is somewhat like that of a connoisseur toward wine; the year of the vintage has a great deal to do with my conclusions as to the decision.

Mr. ROBERTSON. The Justices who rendered these decisions were very fine jurists, even though some of them may not be inscribed on the walls of fame. These are all Supreme Court decisions, and they are all in line with the principle that the time, place, and the manner of holding elections have nothing to do with qualifications; and that poll taxes are a qualification, and therefore Congress has no jurisdiction over them.

Mr. RUSSELL. I do not believe the Senator will find anything in any decision in any year which is contrary to that general statement. I think that has been uniformly held by the Supreme Court.

COURT INTERPRETATION OF SECTIONS 2 AND 4 OF ARTICLE I

Mr. ROBERTSON. I quote first from an 1884 decision. That is rather far back.

In *ex parte Yarbrough*, 110 U.S. 651 (1884), the Court said, after quoting section 2, article I:

The States, in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress (at 663).

The case just cited was followed by *Swafford* v. *Templeton*, 185 U.S. 487 (1902). It involved the question of whether a person qualified to vote under State laws, who is wrongfully denied that right, has a cause of action for damages arising under the Constitution of the United States.

In answering this question in the affirmative, the Court interpreted Yarbrough in this way:

That is to say, the ruling was that the case was equally one arising under the Constitution or laws of the United States or from violation of a State law which affected the exercise of the right to vote for a Member of Congress, since the Constitution of the United States had adopted, as qualification of electors for Members of Congress, those prescribed by the State for electors of the most numerous branch of the legislature of the State (at 492).

Please note that since it is the Constitution which adopts them, rather than Congress, that body is without power to alter such adoption.

Likewise, in *McPherson* v. *Blacker*, 146 U.S. 1, 27, 35 (1892), a case involving the jurisdiction of the Supreme Court to review the constitutionality of a State law providing for presidential electors, section 2, article I, was discussed.

The Constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors. It recognizes that the people act through their representatives in the legislature, and leaves it to the legislature exclusively, to define the method of effecting the object.

Mr. Chief Justice Fuller also said in his opinion in this case:

In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. They are, as remarked by Mr. Justice Gray *In re Green* (134 U.S. 377, 379 (33: 951, 952) "no more officers or agents of the United States than are the members of the State legislatures when acting as electors of Federal Senators, or the people of the States when acting as the electors of Representatives in Congress." Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the State is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded.

State power over definition of voter qualification was again affirmed by the Supreme Court as recently as June 8, 1959. In *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45), involving an illiteracy test, Justice Douglas said:

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised [citations omitted], absent, of course, the discrimination which the Constitution condemns (at 50).

WARTIME LEGISLATION FOR SOLDIERS

The distinguished Senator from New York [Mr. JAVITS] raised the question of the freedom of members of the armed services from the poll tax. In my opinion, there is no analogy at all, for that was a war measure. Since members of the armed services could not come to their place of residence to vote, Congress said, in effect, "We will send the ballots to them, wherever they are." Congress determined the time, place, and manner, as a war measure, and sent the ballots to them.

I am not certain whether it carried a prohibition against the poll tax, or whether Virginia simply adopted a conforming law. But we sent ballots to the men in the armed services and did not even require them to register or pay a poll tax. We relied on their service record to show that they were 21 years old, which was the requirement of our State, and that their legal residence was in Virginia, and that they could vote.

I remember very well that I was in the House the first year the law took effect. With great trouble, I got the name and address of every member of the Armed Forces in the Seventh Congressional District and wrote him a letter in which I stated that I hoped he would vote. I did not ask him to vote for me; I simply expressed the hope that he would vote. Let us bear in mind that nobody wanted to raise a legal question about whether a member of the armed services, who was engaged in defending our liberties, should have the privilege of voting. Therefore, Members of Congress did not question the constitutionality of such legislation.

Moreover, no court has ever ruled on the validity of the Soldiers' Voting Act. In order to cite its passage by Congress against the decisions interpreting sections 2 and 4 of article I, the Senator from New York should discover a court ruling upholding the constitutionality of the act. I believe he can produce none.

PROTECTION AGAINST CORRUPTION OF FEDERAL ELECTIONS

The theory of protection against corruption of qualified voting has been developed both under section 2 and 4, article I.

Controversy over the extent to which the power of the United States can be employed to protect the integrity of national elections has arisen on several occasions. Efforts to exercise the Federal power have proceeded predominantly under criminal statutes against conspiracies.

Subsequently, a number of cases have arisen dealing with protection of the integrity of national elections. The Supreme Court held that—

(1) The failure of an election board to include the vote of 11 precincts for congressional candidates was unlawful because the right to vote includes the right to have the vote counted honestly and fairly.

(2) A conspiracy to bribe voters at an election for national officers was not an interference with rights guaranteed by article I, section 2, to other qualified voters.

(3) It was unlawful for election officials to conspire to stuff a ballot box at which a U.S. Senator is being chosen.

The three preceding paragraphs are taken from the report of the United Commission on Civil Rights, pages 108–109.

The main discussion of the Court in Yarbrough was interpretation of section 4, article I, Congress power over the "manner" of holding elections. The theory of protection against corruption was first developed in this case.

Yarbrough and others were prosecuted for interfering by physical attack with the exercise of the right to vote of certain qualified voters in an election of a Member of Congress from Georgia. After holding that Congress under the quoted section could pass an act prohibiting such violence, Justice Miller wrote:

Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud? (At 661.)

It was not until Reconstruction, however, that the Congress, choosing to exercise extensively its powers under article I, section 4, passed the comprehensive Enforcement Act of 1870 and kindred measures.

It was made a Federal offense to register falsely, to vote without legal right, to make false returns of votes cast, or to bribe or interfere in any manner with officers of elections. It was also made a Federal offense for any officer of elections to neglect duties imposed and required by a State or Federal law.

In 1894, Congress repealed, as I pointed out in a colloquy earlier in the day between the junior Senator from Georgia [Mr. TALMADGE] and myself, the portions of this Reconstruction legislation which dealt specifically with elections, but left effective the portions relating to civil rights generally.

The constitutionality of these laws was challenged a number of times before 1900. As a result of these challenges and resultant court interpretation, the following observations are warranted:

First. Congress need not assume the entire regulation of elections for Senators and Representatives but can make partial regulations to be carried out in conjunction with the States.

Second. Enforcement of article I, section 4, may involve two sets of sanctions: (a) The State may enforce their own regulations; and (b) Congress may both punish delinquency of Federal officers and restrain persons who attempt to interfere with the performance of their duties.

Third. Congress is empowered under article I, section 4, to enact legislation protecting a voter from personal violence or intimidation, and the election itself from corruption and fraud—*Ex parte Yarbrough* (110 U.S. 651, 661 (1884)); *United States* v. *Mosley* (238 U.S. 383, (1915)); *United States* v. *Saylor* (322 U.S. 385 (1944)).

Fourth. Federal officers and employees who solicit or receive contributions to procure the nomination of a particular candidate in a State primary election may be punished pursuant to article I, section 4—*United States* v. *Wurzbach* (280 U.S. 396 (1930)).

Fifth. The right of the Federal Government to regulate primary elections conducted under State law for the nomination of Members of Congress is now settled where such primaries are effectively made or sanctioned under State law as "an integral part of the procedure of choice or where in fact the primary effectively controls the choice"—*United States* v. *Classic* (313 U.S. 299, 318 (1941)).

The foregoing summary of the enforcement act is from the Civil Rights Commission Report, pages 114–115.

It is here in the realm of protection that *United States* v. *Classic* (313 U.S. 299, 320 (1941)) is appropriate. It points out that section 4 of article I is supplemented by the power of Congress to pass implementing legislation under the necessary and proper clause, article I, section 8, clause 18. The case does not stand for a general regulation of qualifications, for the holding of the case was that a primary was a part of a general election.

The foregoing authorities demonstrate that the Federal Government may protect the purity of its elections—but to equate all poll tax statutes with corruption is to miss the point. Those who believe corruption is the result have power to pass Federal legislation specifically outlawing such abuses as the purchase of poll tax receipts.

The distinguished Senator from New York is trying to equate the congressional power to protect Federal elections against corruption with the poll tax, saying, therefore, that the Federal Government can control that form of corruption by abolishing the poll tax. I maintain that there is no just relationship between the power to insure clean elections and the poll tax or any other property tax which a State has seen fit to impose on everyone in the State who votes for members of the most numerous branch of the legislature. But if the assessment is carried out without discrimination, as a Virginia case I shall quote directly said, the courts have uniformly held that it was within the right of the State to do so.

I have endeavored to show that the purpose of the two sections of the Constitution when written and as judicially interpreted does not admit of any restriction on State power to define voter qualifications. Nowhere in the body of the original Constitution will be found a restriction on the discretion of the States in fixing the qualifications of voters. However, restrictions were later added by the 14th, 15th, and 19th amendments. I point out that they were made effective by amending the Constitution, which is the only proper approach that should be taken by those who seek to eliminate the poll tax requirement.

What is the nature of these restrictions? Do they forbid a poll tax qualification?

THE MEANING OF THE 14TH AND 19TH AMENDMENTS

The 14th amendment provides:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they

reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In *Minor* v. *Happersett*, 21 Wall. 162 (1874), following the adoption of the 14th amendment, a woman argued that a Missouri law which limited the franchise to men deprived her of citizenship rights which the amendment gave her. The court denied her claim, because the right to vote before the amendment was not necessarily one of the privileges or immunities of citizenship, and the amendment did not add to them. "It simply furnished an additional guaranty for the protection of such as she already had"—at page 171.

The court concluded with the statement that it was "unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone, and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void"—at page 178.

In *U.S.* v. *Cruikshank* (92 U.S. 542, 554–555), decided in 1875, it was said:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in dutybound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.

In the case of *Breedlove* v. *Suttles* (302 U.S. 277, 238 (1937)), a Georgia statute making a poll tax a voting prerequisite to Federal and State elections was attacked on the ground that it violated the 14th and 19th amendments. The tax in question applied to all inhabitants of Georgia between the ages of 21 and 60, with an exception for females who did not register for voting. The court held that the classification of the law, not being an invalid discrimination, did not violate the equal protection clause of the 14th amendment. The court also held that the exemption for women who did not vote was not in violation of the 19th amendment. In the course of its opinion the court also stated clearly that the poll tax was not prohibited by the privileges and immunities clause of the 14th amendment and was a proper qualification for voting for the States to impose:

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happersett* (21 Wall. 162, 140 et seq.). *Ex Parte Yarbrough* (110 U.S. 651, 664–665). *McPherson* v. *Blacker* (146, U.S. 1, 37–38). *Guinn* v. *United States* (238 U.S. 347, 362). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents* (293 U.S. 245, 261).

There have been attempts to distinguish the Breedlove case on the grounds that the voting registration was for both State and Federal elections, and thus the necessity for a State to control its own election dictated the result.

But the distinction appears without merit since a later case solely involved a Federal election, *Pirtle* v. *Brown* (C.A. 6 (1941), 118 F. 2d 218, cert. den., 314 U.S. 621).

This case grew out of the complaint of a citizen of Tennessee, otherwise qualified, who was refused the right to vote in a special election to fill a vacancy in the House of Representatives because he had not paid his poll tax.

If there could be a more direct issue before the court than that, I do not know what it could be. That is the very issue before us now. He wanted to vote for a Member of Congress, and he had not paid his poll tax. The State officials said, "You cannot vote." The district court found against him. The decision was affirmed unanimously by the Sixth Circuit Court of Appeals, whose opinion followed closely the reasoning of Mr. Justice Butler in the Breedlove case.

The Supreme Court was asked to review the case, but, on October 13, 1941, the petition was denied, without any opinion or statement.

This case is highly significant because only a special election for a Member of Congress was involved, and the refusal of the Supreme Court to review it came as a great disappointment to those who had tried to discount the Breedlove case on the ground that both a State and a Federal election were involved.

TAX ON A NATIONAL FUNCTION

These two cases also serve to destroy the notion, sometimes advanced, that a poll tax is a tax on a national function, that of voting, and hence unconstitutional. Section I of S. 2868 makes a congressional finding that the tax is on the rights and privileges of citizens of the United States—to vote? For the sake of argument, let us assume that such privileges to vote, if that is what is intended by the phrase, do in fact exist as privileges of national citizenship.

The taxes imposed by the five poll-tax States do not assess voters as a class, however. In the constitution of each State, exemption is made for certain categories of voters, such as those over 60 or incapacitated. On the other hand, a large class of inhabitants ineligible to vote at all, such as aliens or others not able to meet the residence requirement, are still liable for the tax.

The purpose served by these taxes, ranging from a dollar to three dollars, is for the general school fund of each of these States. That is a legitimate purpose for incidence of State taxation.

Upon the whole, we think it is reasonable to conclude that the provisions requiring the payment of the tax as a prerequisite to voting do not so much connote a levy and assessment as they do an effective method of collection. They do not levy a poll tax upon any voter. They give due recognition to the poll tax assessment laws hereinbefore quoted, *Pirtle* v. *Brown* (at 220).

The central idea, expressed by Pirtle, that a legitimate purpose for which to raise funds has found a reasonable means of collection, is also expressed by Breedlove:

Payment as a prerequisite is not required for the purpose of denying or abridging the privilege of voting. It does not limit the tax to electors; aliens are not there permitted to vote, but the tax is laid upon them, if within the defined class. It is not laid upon persons 60 or more years old, whether electors or not. Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but that use of the State's power is not prevented by the Federal Constitution (at 283).

THE MEANING OF THE 15TH AMENDMENT

The restrictions of the 14th and 19th amendments have been studied. I should now like to examine that of the 15th, which reads:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In *United States* v. *Reese* (92 U.S. 214 (1875)), the Court construed a statute passed under Congress' power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite, the following statement is made:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress.

The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

See also *Quinn and Beal* v. *United States* (238 U.S. 347, 362 (1915)), where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, "except, of course, as to the subject with which the amendment—15th—deals and to the extent that obedience to its command is necessary."

The same question arose in the Virginia poll tax case, Butler against Thompson. That is about the last case directly on the subject. It was decided in 1951. Circuit Judge Dobie, who was a brilliant teacher at the University of Virginia and a fine member of the court of appeals, rendered the opinion.

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed by

a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

Then followed the quotation from Breedlove against Suttles, which I quoted earlier.

The latter part of Butler against Thompson discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo* v. *Hopkins*, 118 U.S. 356, or under the 15th amendment as in *Lane* v. *Wilson*, 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2 of the Constitution of the United States.

ENABLING LEGISLATION OVER POLL TAXES PREEMPTED BY COURT DECISION

S. 2868 and similar bills would make unlawful all poll taxes as a prerequisite for voting, presumably as a violation of the 14th or 15th amendments. On its face, S. 2868 would prohibit the Virginia poll tax as a prerequisite for voting. But the case of Butler against Thompson, above, had held that the Virginia poll tax is a valid exercise of the State's authority under article I, section 2, of the Constitution, and neither in its terms nor in its application violates the 14th or 15th amendments. S. 2868 purports to make a congressional finding of a fact which the Supreme Court has held not to be a fact. It exceeds the power of the Congress under the 14th and 15th amendments to enforce those amendments by appropriate legislation.

REPUBLICAN FORM OF GOVERNMENT

Not more than passing attention need be given to argument based on section 4, article IV, so dear to the Senator from New York. This section provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Under this section it is contended that Congress may pass appropriate legislation under the "necessary and proper" clause to outlaw the poll tax because it reduces the size of the electorate, therefore denying a republican form of government. It is added that this legislation will not be unconstitutional since the Supreme Court historically has refused review of such a political question.

The short answer to this approach is that the definition of a republican form of government may only be found by examining those of the States when they adopted the Constitution. Among the qualifications which prohibited universal suffrage were tax statutes, including poll taxes. See the explanation of this section by Madison in No. 43, Federalist. Moreover, such is the judicial interpretation, Minor against Happersett, above, at pages 175 to 176.

CONCLUSION

Any attempt of the Congress to invade the rights of the States to fix the qualifications of their electors would be a serious threat to constitutional government. The reason for this conclusion is the theme that I have developed today:

The supposed power that Congress is asked to exert in order to abolish the requirement of poll tax payment or property qualifications as a prerequisite to voting for Representatives, is a power that the Congress can likewise exert to impose as prerequisites to voting.

I remind Senators, this includes both. There are five poll tax States in the South, and seven which have property qualifications elsewhere, some in the North.

It is impossible for a poll tax or property requirement to bar a person from being an elector for the most numerous branch of a State legislature, without also barring the same person from being an elector for a U.S. Representative. It is impossible because the Constitution says so. The Constitution says that the electors for U.S. Representative shall be the same as the electors for the most numerous branch of the State legislature. That is, the electors for the different offices shall have the same qualifications, for it is not necessary that qualified electors should vote for either or both offices.

The reason why the framers of the Constitution denied Congress any power over the qualifications of electors for Representatives is easy to find. They wanted to place this important power in disinterested hands. The framers of the Constitution succeeded in doing so, insofar as it was humanly possible, by using an objective standard.

No one directly establishes the qualifications of electors for Representatives. The qualifications are established indirectly, or in the most disinterested way that could be devised, when the people of the several States establish the qualifications of electors for the most numerous branches of their own legislatures. Could anyone say that the Members of Congress are disinterested in this matter? It is sometimes thought that the Members of Congress are interested in continuing in office—in being reelected. Because of this great self-interest on the part of Congress, it is only natural that the Constitution denies to Members of Congress any power of prescribing the qualification of their own electors.

The basic constitutional right, guaranteed to the people of the United States by article I, section 2, is that of free elections. Free elections require that the qualifications of the electors for Representatives shall be fixed by disinterested persons in a disinterested manner. The bills before the Senate violate this fundamental constitutional right.

The qualifications of electors for Representatives and Senators are defined in the Constitution by reference to an objective standard—the qualifications of electors for the most numerous branches of the State legislatures.

I hope I have now demonstrated what the voting "operations" of the National Government are—and how they may only be ascertained by reference to the Constitution.

These qualifications are subject to change in only two ways: First, by the people of each of the several States, acting individually and disinterestedly, to redefine the qualifications of electors for the most numerous branch of the State legislature; second, by the people of the several States, acting collectively and disinterestedly, to redefine, by the process of amendment in the manner prescribed in article V, the qualifications of electors as previously set forth in the Constitution.

The people of the several States have used the first method many times to change the qualifications of electors. The people of the several States have used the second method, constitutional amendment, three times in the last 90 years.

In 1869–70 Congress proposed and three-fourths of the States ratified the 15th amendment, which guarantees that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. If Congress has the power to redefine the qualifications of electors the 15th amendment was unnecessary.

In 1912–13 Congress proposed and three-fourths of the States ratified the 17th amendment providing for the popular election of Senators. The amendment defines the qualifications of electors for Senators in the same language as the original Constitution defines the qualifications of electors for Representatives. If Congress has the power to define the qualifications of electors it was unnecessary to do so in the 17th amendment.

In 1919–20 Congress proposed and three-fourths of the States ratified the 19th amendment, which guarantees that the right of citizens of the United States to vote shall not be denied or abridged on account of sex. If Congress has the power to redefine the qualifications of electors the 19th amendment was unnecessary.

Parenthetically, it should be mentioned that the advocates of the power of Congress to define qualifications of electors necessarily must assert that Congress always had the power to abolish discrimination on account of race and sex in Federal elections, and that the 15th and 19th amendments were only necessary to abolish discrimination in purely State elections.

The argument is untenable for two reasons: First, if discrimination on account of race and sex was constitutionally valid in State elections it was also constitutionally valid in Federal elections, because Congress has no power to redefine the qualifications of electors. Second, it is impossible under the Constitutions to have in any State one group of electors for U.S. Representatives and Senators and a different group of electors for the most numerous branch of the State legislature. It is impossible because article I, section 2, and the 17th amendment say that these two groups of electors shall be the same.

The power claimed for Congress in S. 2868 to redefine the qualifications of electors as prescribed in the Constitution can exist only if the power of Congress under article I, section 4, to regulate the times, places, and manner of holding elections overrides: First, the constitutional definition in article I, section 2, of the qualifications of electors for Members of the House of Representatives; second, the power of the States under article II, section 1, to determine the manner of appointing electors for President and Vice President; and third, the constitutional definition in the 17th amendment of the qualifications of electors for Senators. If the congressional power under article I, section 4, overrides all these constitutional provisions, it must also override the 15th and 19th amendments.

If, contrary to the plain language of the Constitution, Congress can redefine the qualifications of electors so as to abolish duly prescribed poll tax and property requirements as prerequisites to voting, Congress can also, contrary to the plain language of the Constitution, redefine the qualifications of electors so as to prescribe the poll tax, a literacy test, race, or sex as prerequisites to voting. The power claimed for Congress over the qualifications of electors is nothing less than a claim that the power of Congress overrides the Constitution.

Mr. President, this to me is a most serious matter, although some persons do not seem to recognize it as such. It involves not only the whole Constitution, but it involves the direction in which we are proposing that our Government go. Is the United States to be a government of law? Are we going to maintain our Constitution? Or are we going to drive holes through the Constitution for political expediency? Let us call it what it is, and that is what it is.

Mr. President, Congress should reject S. 2868 because it undertakes to change, in an unconstitutional manner, the definitions established in the Constitution for electors for Representatives and Senators, and the manner prescribed in the Constitution for appointing electors for President and Vice President. The right of the people, as laid down in the Constitution, to have the qualifications of electors ascertained by reference to an objective standard, which has been duly established in a disinterested way by the people themselves, is a fundamental constitutional right that must be preserved.

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

Mr. ROBERTSON. I yield to my friend from Georgia.

Mr. RUSSELL. Mr. President, I have had an opportunity this afternoon to listen to a great constitutional argument in the best tradition of the U.S. Senate. The distinguished Senator from Virginia has done a great amount of research in connection with his able and illuminating speech. He has gone back to the days of the Constitutional Convention, made clear the intentions of the Founding Fathers, as demonstrated in the debates in the Convention, and cited the judicial determinations on this subject in such a way as to completely demolish any pretense of validity in the argument that such an action can be accomplished by a simple congressional statute.

I cannot commend the Senator too highly for the magnificent speech which he has made and for the thorough job he has done. I particularly wish to associate myself with his last statement. If we start changing the Constitution by statute we shall set a precedent which will bring down the structure of free government, and do it at a very early date.

I realize, Mr. President, it is very popular of late to speak disparagingly about the Constitution of the United States and to claim that there are easy and short circuits to circumvent it, but those who actually made the sacrifices which gave us this Government—and no one has set them forth more clearly than George Washington, the first President, in his Farewell Address—thought that the Constitution meant something. All of them thought so. They were men who had known tyranny and who had broken its chains by their own efforts. Again and again they pointed out to posterity, in terms all of us should be willing to understand, whatever the political implications might be, that it was a dangerous thing to use short circuits in dealing with the Constitution of the United States.

I want to congratulate my friend on his able address.

Mr. ROBERTSON. Mr. President, I am very grateful for the lovely tribute my friend from Georgia has paid to me. I am also grateful, as every southerner is, for his wonderful leadership during recent years in our fight to preserve the rights of the States, as guaranteed in the Constitution by the 10th amendment.

I thank the Senator.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. ROBERTSON. I yield to my friend from Alabama.

Mr. HILL. Mr. President, I wish to associate myself with the words of tribute the distinguished Senator from Georgia [Mr. RUSSELL] has spoken on behalf of the Senator from Virginia. As we know, the Father of the Constitution, James Madison, came from Virginia. Many of the other great men who fought for and won our freedom in the Revolutionary War, and then contributed so much to the writing of the Constitution and to the bringing into being of our republican form of government, came from Virginia.

The Senator from Virginia has this afternoon given us a most scholarly, profound, and eloquent address. He has, as the Senator from Georgia said, demolished any and all arguments which might be advanced for any abolition of the poll tax by any proposed statute. He has made a magnificent constitutional argument. I am sure if the statesmen of Virginia, who contributed so much to the bringing into being of this Government and to the writing of our Constitution, under which we have enjoyed liberty and freedom and justice, could be present this afternoon they would be indeed proud of the distinguished junior Senator from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. President, I thank my colleague for his kind words. He has praised me far beyond my just desserts. I shall cherish the fine commendation he has made of my efforts to bring to the attention of the Senate the views of Virginians, who helped give birth to a new nation and helped explain to us the true meaning of the Constitution and its vital importance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DIRKSEN. Mr. President, reserving the right to object——

Mr. HILL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The call of the roll will be resumed.

The legislative clerk resumed and concluded the call of the roll; and the following Senators answered to their names:

Byrd, W. Va.	Holland	Proxmire
Clark	Javits	Robertson
Dirksen	Johnson, Tex.	Saltonstall
Dodd	Keating	Smith
Ervin	Mansfield	Stennis
Green	Monroney	Thurmond
Hart	Morton	
Hill	Prouty	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk proceeded to call the names of absent Senators.

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

The PRESIDENT OFFICER. The absence of a quorum having been announced, the clerk will continue to call the names of absent Senators.

The legislative clerk resumed and concluded the call of the names of absent Senators.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. AIKEN, Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BEALL, Mr. BIBLE, Mr. BRIDGES, Mr. BRUNSDALE, Mr. BUSH, Mr. BUTLER, Mr. BYRD of Virigina, Mr. CANNON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. ELLENDER, Mr. ENGLE, Mr. FREAR, Mr. FULBRIGHT, Mr. GRUENING, Mr. HARTKE, Mr. HAYDEN, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HUMPHREY, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KEFAUVER, Mr. KENNEDY, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MARTIN, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. NEUBERGER, Mr. PASTORE, Mr. RANDOLPH, Mr. RUSSELL, Mr. SCOTT, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TALMADGE, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 11 o'clock tomorrow morning.

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

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce for the information of the Senate that we do not expect any more quorum calls this evening. The distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from Massachusetts [Mr. SALTONSTALL], and the distinguished Senator from Alaska [Mr. GRUENING] intend to address the Senate, and the Senate will remain in session until they have concluded their addresses or until any other Senator who may desire to speak has an opportunity to do so.

We will come in at 11 a.m. tomorrow. I am hopeful that Senators will be in attendance during the session tomorrow and that we may make some progress in connection with the pending business.

ORDER OF BUSINESS

Mr. CLARK obtained the floor.

Several Senators addressed the Chair.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield first to the Senator from Wisconsin [Mr. PROXMIRE] and then to the Senator from Massachusetts [Mr. SALTONSTALL] without losing my right to the floor.

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

MR. NIXON'S REMEDY FOR INFLATION

Mr. PROXMIRE. Mr. President, I thank the Senator from Pennsylvania for his courtesy.

Mr. President, yesterday the policy position of the Democratic Party on price stability and growth in our economy was eloquently set forth by the chairman of the Joint Economic Committee, the Senator from Illinois [Mr. DOUGLAS], on the floor of the Senate.

In the course of what I regard as a brilliant and significant speech, the Senator from Illinois not only diagnosed America's serious economic problems, but also proposed a long series of specific proposals to help us achieve economic growth without inflation.

What is the position of Vice President NIXON, the sure Republican presidential nominee, on all this?

Mr. President, the issue between our two parties is sharp and clear. A comparison of the speech of the Senator from Illinois [Mr. DOUGLAS] and the reports by Vice President NIXON as head of the Cabinet Committee on Price Stability for Economic Growth will make that plain.

The contrast between the Democratic view as expressed in the speech of the Senator from Illinois and the Republican viewpoint as set forth in the Nixon reports is evident to anyone who heard or read the Senator's speech yesterday and then reads the lead article in this month's Harper's magazine. Harvard Professor John Kenneth Galbraith writes a perceptive avowedly partisan analysis of the Vice President's principal economic role.

In the course of this article, Galbraith concludes that in NIXON's first report as head of the Cabinet Committee on Price Stability and Economic Growth Mr. NIXON proposed a congressional censure of inflation; a warning against spending, with public need regarded as irrelevant; and an increase in interest rates. In his second report he proposes nothing. In his third and final report Mr. NIXON suggested that the Government should follow a passive fiscal role; that is, without changing tax rates, letting tax yields fall in recessions while, without changing appropriations, letting unemployment compensation and some other expenditures rise, with the reverse action following without legislation in periods of prosperity. He also proposes to knock the ceiling off long-term Government bonds.

Mr. Galbraith concludes that this most important administrative experience of Mr. NIXON has resulted in nothing. He adds:

> Nor in seeking to persuade us that he has done something does he show a high regard for our intelligence. For anyone who respects his fellow citizens could hardly expect them to buy this blend of nothingness.

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

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

MR. NIXON'S REMEDY FOR INFLATION

(By John Kenneth Galbraith)

A persistent and serious problem facing the United States is that of inflation. And a determined and serious aspirant for the office of President is RICHARD M. NIXON. In the nature of the case, our knowledge of how presidential candidates will handle important questions, if elected, is almost entirely conjectural. We are reduced to comparing promises.

Mr. NIXON is one of the rare exceptions. For the past year, he has been serving as chairman of the Cabinet Committee on Price Stability for Economic Growth—which at this writing has issued three reports. Thus we are able to take Mr. NIXON'S measure on a matter of great and nearly universal concern.

In contrast with his early wartime service with the Office of Price Administration, then under Leon Henderson (of which he has never made a strong point), Mr. NIXON has recently sought actively to identify himself with the problem of inflation control. A high-level committee that would deal effectively with inflation—meaning continuing increases in prices—was promised by President Eisenhower in his 1959 state of the Union message. A few days later, Edwin L. Dale, Jr., wrote in the New York Times that Mr. NIXON was a candidate for the post of chairman and that his supporters felt that "a precise, and publicly known, administrative role would help his chances for the Presidency in 1960." When his appointment was announced on February 1, the Times observed that this was "the closest he has come to formal executive power."

Having welcomed the responsibility, Mr. NIXON cannot but welcome a scrutiny of the way he has handled it. It would be best, no doubt, if this could be undertaken by a neutral and nonpartisan observer. It has been noted, however, that where Mr. NIXON is concerned, the supply of neutrals is limited. And he himself has spoken out against the morality of such a posture on great questions.

But most important, these are matters on which, once presented, the reader can pass judgment for himself and thus correct for the bias from which so few of us are free.

The Cabinet Committee consists (in addition to the Chairman) of the Secretaries of the Treasury, Agriculture, Labor, and Commerce, the Chairman of the Council of Economic Advisers, and (rather unexpectedly) the Postmaster General. The Executive Vice Chairman is Mr. W. Allen Wallis who is on leave from his post as dean of the Graduate School of Business of the University of Chicago. Mr. Wallis' reputation among economists is that of a conservative with a predilection for scientific exactitude. In a personality sketch published at the time of the second report, the Times described him as sharing with Mr. NIXON "the sort of intellectual companionship that enables each to sense the mental processes of the other."

The first report, according to the newspapers, was drafted by Mr. NIXON, then revised by Mr. Wallis presumably for perfection of technical and scientific content, and then cleared by him with the other members. We may safely assume that the dominant role and responsibility was Mr. NIXON'S, subject to the technical and professional guidance of Mr. Wallis.

The first report—it was described as an interim report—was released on June 29.

Much the most comprehensive of the three, it is a survey of the whole problem of inflation and its control. It isolates the causes of inflation, deals with its consequences, and prescribes remedies.

It is an exceedingly grave document—at times alarming. "It is the unanimous opinion of the Cabinet Committee on Price Stability for Economic Growth that our economy is now at a critical juncture urgently requiring action to forestall inflation and insure sound and sustained economic growth and progress." After citing the evidence for this condition of crisis, Mr. NIXON and his colleagues continue: "We are confronted, in summary, with overwhelming evidence that we have arrived at a time of decision as to the future course of our economy. * * * We face a serious threat, price increases which not only would be directly harmful to American families but would seriously endanger the healthy prosperity now developing." These are strong words. No man and no group had better opportunity to be informed. We owe it both to Mr. NIXON and to ourselves, therefore, to take them seriously.

Turning to the causes of this unhappy state of affairs. Mr. NIXON blamed the same forces that had been cited by President Eisenhower in his state of the Union message—(1) the pressure for more public spending, and (2) the implacable upward pressure of wages on prices. He drew attention both to the pressure on Congress for higher outlays and the "strong tendencies toward increased spending by State, county, and local governments." Speaking of the inflationary effect of wages, he noted that recent settlements had advanced wages substantially, and that pending or prospective settlements in many industries, including steel, "could result in wage increases of such magnitude as to lead to price increases."

After this diagnosis, Mr. NIXON turns to those who condone inflation. He sets himself uncompromisingly against them. Inflation is not harmless; it does not promote economic growth; it is not inevitable. It does inflict hardships on families with fixed incomes; it damages average and below-average families more than the well-to-do; it breaks faith with those who have saved and put their money in Government bonds, retirement funds, and like forms of saving. While resistance to inflation "is bound to cause temporary inconvenience to some * * * price stability will powerfully promote the welfare of all."

All but overt inflationists, of whom there are few, will agree that this is admirable. The danger is flatly faced. It is immediate and grave. There can be no retreat, no compromise. The war on inflation has its costs; these will be accepted in the interests of the overall good.

At every point, Mr. NIXON is firm and decisive.

THE UNTOUCHABLES

Although inflation has never been condemned in more forthright phrases, such attacks—to speak rather formally—must be viewed in their historical context. Specifically, statesmen have been denouncing inflation for some centuries. Often that has been all. Sometimes defiant speech has appeared to be a substitute for deficient will. As a result, on this, as on few matters of social policy, the public has developed the habit of looking on from the words, however compelling, to the action.

Having attacked inflation, Mr. NIXON moves on to the action, but many will think with a loss of power.

He begins on a discouragingly negative note. In fighting inflation, it is most important that we do not use the wrong weapons. Price and wage control, in particular, are more harmful than peacetime inflation. While his condemnation of controls is as eloquent as his attack on inflation—and of comparable length—the core of his argument is in a few words:

"Differences in prices reflect the priorities attached by consumers to different products; they therefore guide productive efforts * * *; [They also show] the scarcities of different raw materials, machines, and personal skills. * * * If prices are regulated, they cannot reflect accurately relative priorities of various goods and services * * * or the relative scarcities of the various means of producing goods and services. * * * The result * * * waste, inefficiency, slowing down of progress."

This is a heavy indictment. However, it raises some difficult questions—apart from the purely tactical one of whether it is wise to rally the forces to the ramparts and then read them a lecture on the weapons they must not use. If wages and prices are untouchable, then nothing directly can be done about the wage-price spiral which both the President and Mr. NIXON hold to be a cause of inflation. And unless some substitute action can be effective, then inflation won't be controlled.

Comprehensive wage-and-price controls are not now an issue. Neither Mr. NIXON nor his colleagues can imagine that there is the slightest chance of Congress soon enacting them. But some system of formal or informal restraint on wages and prices in key industries is a possibility—President Eisenhower has accepted the need in principle by pleading repeatedly for voluntary restraint in price-and-wage setting. But if such restraint worked, it would, like any effective regulation, keep prices from reflecting relative priorities or relative scarcities. So even this would be banned by Mr. NIXON'S reasoning. If only unregulated prices tell what consumers most want, or what most needs to be produced, then any interference, even effective voluntary restraint, will obviously impair this vital function.

However, it will surely be evident that Mr. NIXON has involved himself here in an unfortunate logical contradiction. (One perhaps from which his scientific and technical adviser should have saved him.) For he had already blamed the high prices of many important products on the wage demands of the unions, and the resulting price increases. If prices reflect the power or avarice of the unions, as Mr. NIXON says, then they do not reflect the priority attached to products by consumers or their relative scarcity. (The report attributes more responsibility to the unions, and less to the corporations, than I would, but that is another matter.) If steel is high because of the union, then it isn't high because of preference or scarcity as compared with aluminum.

Moreover, if prices reflect the power of the unions and the compensating action of the corporations, then Government intervention does not have the damaging consequences that Mr. NIXON and his colleagues condemn. For then such intervention doesn't interfere with the reading of priorities and scarcities—the unions and the corporations have already spoiled that. What intervention does is substitute public regulation for what Mr. NIXON and his associates have condemned as bad private control by unions and companies.

In brief, Mr. NIXON condemns public interference on grounds which assume there is no private manipulation of prices, but only after he has attacked private manipulation of prices as inflationary. This is hardly logical. And illogic apart, having conceded the importance of wage-price movements as a cause of inflation and having ruled out direct restraint, Mr. NIXON and his colleagues must then find indirect measures that will restrain the power of unions and corporations to raise prices. If they do not, this cause of inflation will persist. So will inflation.

One indirect but rather formidable remedy for wage-price inflation is hinted at by Mr. NIXON. This is to break the power of the unions and dismember the large corporations so that they would not have power to influence prices. At some time in the future, he promises to examine and report on the extent to which concentrations of power in labor and business contribute to inflation or impede economic progress.

If something easy could be done on these lines to stop inflation, it would have been done long ago. When unable to think of anything else, liberals automatically condemn concentrations of economic power and call for more energetic enforcement of the antitrust laws. As a remedy for inflation, it is rather less practical than incantation, which, indeed, it closely resembles. Possibly Mr. NIXON is thinking of legislation directly designed to break up unions and large corporations. But he hasn't said so, and it would be unfair to impute to him so drastic and unrealistic a program. There isn't anything else.

THREE REMEDIES

Now come the recommendations. And these are the real test of Mr. NIXON'S mettle. Those who are victimized by rising prices in the manner he has so vividly portrayed will not expect this shrewd and experienced public man to trifle with their troubles.

Unfortunately, when it comes to specific remedies, Mr. NIXON suffers a further and very severe loss of altitude.

He offers three. The first—a marked curiosity—had previously been mooted by the Council of Economic Advisers and proposed by the President. Now Mr. NIXON urges it as a matter of highest priority. It is simply that Congress resolve against inflation and declare it an undesirable thing. Reasonable price stability would be made a specific goal of Federal policy. Such price stability—the protection of the purchasing power of the dollar—has been a goal of Federal policy for generations. It has been proclaimed repeatedly and with passion. The new resolution could not add much even in passion. It would give the administration no power it does not now possess to fight inflation. It would remove no obstacles.

Some have suggested that Mr. NIXON was showing an interesting sense of novelty in seeking to bring the technique of the Formosa resolution to bear on domestic economic policy. Instead of passing resolutions to warn the Red Chinese, we do so to intimidate the forces of inflation. This originality seems to be the maximum claim.

Mr. NIXON'S second inflation remedy is curtailed Government spending and the balancing of the Federal budget. Even higher taxes, he sees as an inflationary force.

This familiar recommendation runs into the familiar problem that some of the things for which higher expenditures have been sought—schools, housing, defense, law enforcement, conservation—are rather urgent. To this Mr. NIXON is indifferent. He describes the pressures for increased spending as "irresponsible." Moreover, there is no economic sanction for his view that higher outlays, if covered with some margin by higher taxes, are inflationary.

More important still, while a budget deficit when the economy is operating at capacity can certainly be a cause of inflation, to balance the budget does not cure the inflation. That is because balancing the budget will not arrest the wage-price spiral. Mr. NIXON, though he blames the spiral, makes no claim that budget balancing would stop it.

Mr. NIXON'S third recommendation, urged at considerable length, is that the Treasury be given authority to raise the rate of interest on longer term Government bonds. This would enable these securities better to compete with issues of shorter maturity. The latter are described as practically the equiv-

alent to money, and the Government's just cranking up the printing presses and rolling out the greenbacks.

In passing, it should be observed that Mr. NIXON is here being extremely critical of Treasury debt management by his own colleagues. Long before the limit on the interest rate on long-term issues became operative, the Treasury was making increased use of shorter-term issues. As a result, the average length of the maturity of the securities outstanding has been reduced substantially since 1953.

However, Mr. NIXON is also greatly overstating his case. Short-term Government paper can be turned into cash if there is good reason for doing so. But the same is true, in degree, of any other asset. And one thing that may cause people to prefer cash is the expectation of higher interest rates—the very thing Mr. NIXON is urging. That is because higher interest rates bring a decline in the capital value of the bond or other asset. If such a decline is in prospect, some will try to sell first—which then brings down the price of the asset. One of the reasons the Treasury has had difficulty selling longer term bonds is that the expectation of higher interest rates has made them a rather speculative item.

Mr. NIXON believes higher rates would help sell the longer maturities. My own view is that a clear intention to hold rates stable would do as much. But such differences of opinion are perhaps unavoidable. The important things is that they be debated with reasonableness and restraint and without exaggeration. What is less open to debate is the effect of all this on inflation.

Higher rates on long-term Government bonds might help pave the way for a general tightening of the supply of loanable funds and of interest rates. This would mean a general curtailment of the demand for goods and services. If this curtailment were sufficiently severe, price increases would be arrested. But this, precisely, is the policy that has been employed ever since 1953. If it had worked—if it had reconciled full employment, expansion, and price stability—Mr. NIXON'S committee would never have been necessary. But we learned during this period—although the lesson is still being debated—that an active monetary policy, as it is called, gets price stability only at the cost of interrupted growth and recurrent recession. This was how we got price stability in 1954 and again in 1958.

For the rest of the time, most prices kept inching up. This was especially true of industrial prices where wage-price pressures operate. To keep unions and companies in, say, the steel or automobile industries from putting up wages and prices, a recession has to be pretty severe. The cure—unemployment, accumulating inventories, interrupted expansion—has no distinct advantages over the disease.

DO-IT-YOURSELF POLICY

These are Mr. NIXON'S remedies—a congressional vote of censure on inflation; a warning against spending, with public need regarded as irrelevant; and an increase in interest rates that, at most, represents a continuation of the policy that he was asked to improve.

None of these measures touches the wage-price spiral. On that, Mr. NIXON confines himself to explaining what should not be done. Perhaps the most damaging reflection on his judgment is the satisfaction he shows with his prescription: "The * * * three steps are direct defenses against the present danger of excessive price rises." They are his response to overwhelming evidence that we have arrived at a time of decision.

This was Mr. NIXON'S first report. The first of a series of further reports was released by the White House on August 17. These offered a chance for Mr. NIXON to retrieve altitude that had been lost in the earlier document.

Alas, this chance was missed. At the outset, in a memorable example of Federal prose, the August 17 report describes itself as one of several dealing with "building block questions from which can be constructed answers to broader public questions." This, if it can be translated, would seem to mean that Mr. NIXON was putting anti-inflation policy on a do-it-yourself basis. This turns out to be the case.

"Thoughtful citizens," the report declares with an air of conveying information, "are concerned increasingly with such questions as: Are continual price increases inevitable? If not, how can the general level of prices be stabilized?" The report then asks its principal question: "What do we really want from our economy?" One answer to this question, the reader will learn with manageable excitement, is "reasonable stability of prices." Thus equipped with building blocks, the reader then goes on to construct his answers to the broader public questions.

Other building-block questions and answers follow the same technique of supplying the reader with knowledge that he already possesses while avoiding answers he might find useful. It tells of the merits of an expanding economy, but postpones mention of how such growth can be insured. Then, perhaps sensing some public anxiety on the matter, Mr. NIXON explains that "our economy has grown since the founding of the Republic because we have had faith in ourselves, because we have developed institutions that reward enterprise and efficiency, and because we have believed in progress sufficiently to put aside enough (saving) from current income * * *." He also explains the advantages of maximum employment opportunity although without adding greatly to the information available to an unemployed man. "Much unemployment * * * involves hardships and lack of opportunity that we all associate with the word 'unemployment'," but if a man can get a job promptly, it isn't so bad.

Then Mr. NIXON returns to inflation. His denunciation is now even more severe than in his first report, and several new evils—encouragement to speculation, distortion of business accounting damage to our ability to compete in foreign markets—are added. He tells us again that "Resistance to rises in the general price level is bound to cause temporary inconvenience to some and to limit the gains of others, but * * * will powerfully promote the welfare of all." But this time there is no indication how this resistance movement is to be launched. Not even his first three recommendations are repeated. Possibly he did not think very much of them either.

When this report was issued, an administration spokesman said (one imagines with Mr. NIXON'S blessing) that it was now believed that the battle against inflation was being won. Expansion would henceforth be emphasized. Officials were now "reasonably optimistic that the line would be held on the general price level." This was not quite 7 weeks after Mr. NIXON had cited "overwhelming evidence that we have arrived at a time of decision as to the future course of our economy." The decision hadn't been taken.

Perhaps it should have been. On August 22, 5 days after the second report, the Department of Labor announced that the Consumer Price Index had risen again for the fourth consecutive month and to an all-time high. All component groups went up.

CLEARER ANYWAY

On October 25, Mr. NIXON released his third report—Managing Our Money, Our Budget, and Our Debt. During the preceding week, the Bureau of Labor Statistics announced that the cost of living had gone on to another all-time high. The steel strike, in which the issue was the effect of wages on inflation, had passed its hundredth day.

This is a better written report than those that preceded it, and Mr. NIXON evidently had thought better about those building blocks. But the clarity revealed a barrenness matching and possibly exceeding that of its predecessors. Recessions or depressions—periodic interruptions in growth—are accepted as a necessity of our life. The Government should follow a passive fiscal role. Tax yields will fall during recession and some expenditures—unemployment compensation, for example—will automatically rise. These automatic stabilizers are to be welcomed. But Mr. NIXON is opposed to affirmative action to offset recession or depression by increasing public outlays or reducing taxes. The extra spending effect might come, or it might be allowed to persist, after the recession had passed. This danger is worse than the recession. (The earlier Eisenhower policy under Arthur F. Burns was, incidentally, much more liberal. Then the policy of using the budget, including a reserve of useful expenditures, as a positive instrument for fighting depression was repeatedly affirmed.)

The rest of the report contains nothing new, and nothing old that bears usefully on the problem of inflation. Mr. NIXON repeats that monetary policy, specifically a tight-money policy when required, is useful for attacking inflation but he also adds that it has serious shortcomings. This is not news since, as noted, it was these shortcoming which led to his appointment in the first place.

He makes no suggestion as to how the shortcomings can be overcome except to follow the budget policy just mentioned and to remove the ceiling on the interest rate on Government bonds. Monetary policy, it should be observed, did not prevent inflation in the years before that ceiling became operative. Mr. NIXON argues once more that to lift the ceiling will have the effect of locking people and financial institutions into their holdings of long-term bonds. In future periods of tight money, interest rates will rise, the capital value of the bonds will fall, and then the bonds cannot be sold except at a capital loss. He still does not consider that, given fluctuating interest rates, people will see the possibility of such mousetrapping and be reluctant to buy the bonds in the first place.

There is no more.

The judgment to be rendered would seem to me clear. Mr. NIXON has done nothing. Nor in seeking to persuade us that he has done something does he show a high regard for our intelligence. For anyone who respects his fellow citizens could hardly expect them to buy this blend of nothingness. Perhaps it will be said in Mr. NIXON'S behalf—as so often before—that this is a subject on which he has not yet matured. So it may be. But even his friends will be forced to agree that this failure is the most mature example of such immaturity.

Let me add, also, that the finding of failure is my own judgment. Economics is an imperfect science. Anyone who claims that his economic judgments are emotionally detached, politically impartial, and otherwise objective is himself suspect. But I would strongly urge anyone who disagrees with the present judgment of Mr. NIXON'S reports, or even suspects that he might, to get them from the White House and read them thoughtfully and with care.

COMPTROLLER GENERAL RECOMMENDATIONS TO SBA

Mr. PROXMIRE. Mr. President, as chairman of the Small Business Subcommittee of the Banking and Currency Committee, I am aware of the interest

Senators have in the competent and efficient operation of the Small Business Administration.

Recently Mr. Joseph Campbell, the Comptroller General, has completed a review of the financial assistance activities in five field offices of the SBA. Mr. Campbell sent me a copy of the report and then summarized his findings and recommendations in a brief letter.

For the information of the Senate I ask unanimous consent that a copy of this letter be printed in the RECORD at this point, together with a copy of a letter I have written to the new Administrator of SBA, Philip McCallum.

There being no objection, the letters were ordered printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., January 20, 1960.

B-114835.

HON. WILLIAM PROXMIRE,
Chairman, Subcommittee on Small Business, Committee on Banking and Currency, U.S. Senate.

DEAR MR. CHAIRMAN: Herewith for the use of your subcommittee is a copy of our report to the Congress on the review of the financial assistance activities in five field offices of the Small Business Administration (SBA) made during the latter months of calendar year 1958.

Our examination showed that certain areas in the administration of financial assistance activities in the field offices would be strengthened and more effectively carried out by compliance with SBA's own regulations. To achieve better administration of the financial assistance activities, we recommended during our audit that the Administrator, Small Business Administration, take action to provide for closer supervision over the regional offices with a view to obtaining compliance with these regulations. The Administrator informed us that he was in general agreement with our recommendation and would take corrective action. He also agreed to study our recommendation that independently audited financial statements be required of prospective borrowers as a prerequisite to loan authorization on larger loans. A summary of our findings begins on page 3.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

JANUARY 23, 1960.

MR. PHILIP MCCALLUM,
Chairman, Small Business Administration, Washington, D.C.

DEAR MR. MCCALLUM: Mr. Joseph Campbell, Comptroller General, has recently written me to forward a copy of a report to Congress of the review of financial assistance activities in five field offices of the Small Business Administration, during the calendar year 1958.

In a covering letter he has summarized his recommendations suggesting: one, that the Administrator of the Small Business Administration take action to provide for closer supervision over the regional offices with a view to obtaining compliance with the SBA's own regulations; two, that independently audited financial statements be required of prospective borrowers as a prerequisite to loan authorizations on larger loans.

Mr. Campbell writes me, and I quote: "The Administrator informed us that he was in general agreement with our recommendation and would take corrective action," this is with reference to number one above, that is, compliance with the SBA's regulations. In connection with the independent audits, he writes me that the Administrator agreed to study the recommendations.

I would very much appreciate being kept informed on both of these matters. Can you tell me at your earliest convenience what action has been taken to provide closer supervision over regional offices to secure greater compliance with the SBA's regulations? Also, would you write me to tell me of the results of your study on the recommendation for independent audits?

I am reluctant to impose unnecessary work on a hardworking agency, and I feel responsible for being kept fully informed on recommendations as farseeing as these concerned here, particularly since they come from a source as responsible and authoritative as the Comptroller General of the United States.

Sincerely yours,

WILLIAM PROXMIRE,
U.S. Senator.

USE OR MISUSE OF INTELLIGENCE INFORMATION

Mr. SALTONSTALL. On January 27 the Senator from Missouri [Mr. SYMINGTON] under the title of "The Misuse of Intelligence Information," on page 1372 of the RECORD, stated in part:

Mr. President, the American people are being enticed down the trail of insecurity by the issuance of misinformation about our deterrent power; and specifically about the missile gap.

The intelligence books have been juggled so the budget books may be balanced.

I realize, Mr. President, that this is a political year and there will naturally be many differences of opinion based on politics, but I feel very strongly that discussion concerning our defense programs must be carefully judged on information as properly secured as is possible to do, and that the arguments should not be based on partisan differences.

There are, in my opinion, no more trustworthy citizens and public officials than Mr. Allen W. Dulles, Director of CIA, Thomas B. Gates, Jr., Secretary of Defense, Maurice Stans, Director of the Budget, and, finally, the President of the United States, Dwight Eisenhower. It is inconceivable, in my opinion, that any of these dedicated men would "juggle" intelligence so that budget books may be balanced.

The Senator from Missouri states that our intelligence estimates have now been revised so that they are based on intention rather than on capability. Relative to this point, Mr. Dulles, in a speech made in New York on January 26 before the Institute of Aeronautical Sciences states:

The best one can do is to see that one's batting average is relatively high, that the predictable and the calculable are stated with the degree of certainty that the evidence permits, and that the best that one can distill out of available facts is brought concisely, objectively, and quickly to those who have the responsibility for policy and action.

Furthermore, he said:

The analysis of any given Soviet weapons system involves a number of judgments. These include Soviet capability to produce the system; probable Soviet inventories of the weapons system as of today; the role assigned to this system in Soviet military planning; the requirements the Soviet high command may lay down for the weapon over the future. All these judgments are to some degree interdependent. They lead to a calculation of how far and how soon the Soviets are likely to develop the system. Manifestly this kind of estimating is of the highest importance to our own planning.

After providing this background, Mr. Dulles comes to our specific point:

Consequently in our estimates we generally stress capabilities in the early stages of Soviet weapons development and then, as more hard facts are available, we estimate their probable programing, sometimes referred to as intentions.

These quotations indicate Mr. Dulles' detailed understanding of the intelligence field. It is clear, in my opinion, that he emphasizes judgments and estimates based on the coordination of several different categories of intelligence. Enemy intentions certainly play an important role—it would be dangerous to overlook an assessment of our opponent's plan of how to use his capabilities.

I have in mind the intelligence concerning the Soviets long-range airplanes in 1956. Their capability to produce was greater than ours. We sent ahead to produce our B-52's, and thus have a much larger inventory of them today. The Russians, however, failed to activate the production schedules we had anticipated. It is clear, therefore, that while their capability indicated one course of action, their intentions determined a different course.

Implicit in the Senator from Missouri's speech of the other day is the idea that capability is no longer being taken into consideration by our Defense officials. It is important to point out that this is not at all true. Mr. Dulles' statement clearly shows that our intelligence effort is evaluated on a balance between the two.

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

Mr. SALTONSTALL. I am speaking on the time yielded to me by the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, I shall be very happy to indulge my friend from Missouri to the extent he desires. I have been trying for 5 hours to obtain the floor. I have finally been successful, and I have yielded to my friend from Massachusetts for no more than 5 minutes. I know, however, that this is a very important matter to the Senator from Missouri, and I am happy to yield such time as he may desire.

Mr: SYMINGTON. I appreciate very deeply the courtesy of my friend from Pennsylvania.

I thought I heard the distinguished Senator from Massachusetts say something to the effect that some statement I made was not true. Is that correct? It is not my practice to make incorrect statements of fact. I do not wish to invoke any Senate rules unnecessarily, but I wish to know what the Senator said.

Mr. SALTONSTALL. I said this:

Implicit in the Senator from Missouri's speech of the other day is the idea that capability is no longer being taken into consideration by our defense officials. It is important to point out that this is not at all true. Mr. Dulles' statement clearly shows that our intelligence effort is evaluated on a balance between the two.

That is, a balance between intention and capability.

Mr. SYMINGTON. Is the Senator saying that the statement in my talk was not true?

Mr. SALTONSTALL. No; I did not say that. What I meant to say, and what I think I have said, is that Mr. Dulles' statement would be a contradiction of what the Senator from Missouri said, to the effect that our intelligence effort is completely changed, and is based upon intention, and to no extent on capability.

Mr. SYMINGTON. Mr. President, will the Senator from Pennsylvania yield further to me? He knows the importance of the subject. He is an expert in this field himself. However, I do not wish to take to much of his time.

Mr. CLARK. I hope the Senator will feel free to take as much time as he thinks desirable.

Mr. SYMINGTON. I thank the Senator.

As I understand, what the Senator from Massachusetts is saying is that Mr. Dulles has said that what I said yesterday on the Senate floor is not true.

Mr. SALTONSTALL. No; that is not accurate. What I attempted to say—and I believe I did say, as the Senator would have known had he listened to my entire statement, is that Mr. Dulles said that our intelligence is based upon a combined estimate of capability and intention—not altogether on intention, and not altogether on capability.

Mr. SYMINGTON. If the Senator from Pennsylvania will yield further, on January 13, the Secretary of Defense said:

> Heretofore, we have been giving you intelligence figures that dealt with the theoretical Soviet capability. This is the first time that we have had an intelligence estimate that says, "This is what the Soviet Union probably will do." Therefore, the great divergence, based on figures that have been testified to in years past, narrows because we talked before about a different set of comparisons—ones that were based on Soviet capabilities. This present one is an intelligence estimate on what we believe he probably will do, not what he is capable of doing.

Mr. SALTONSTALL. That is correct. That is what the Secretary said.

Mr. SYMINGTON. Is he wrong?

Mr. SALTONSTALL. If the Senator will permit me to proceed a little further, I shall be glad to clarify the situation.

Mr. SYMINGTON. I shall be happy to have the Senator do so.

Mr. SALTONSTALL. What I attempted to say was that the intelligence estimates are based upon a combination of intention and capability.

Mr. SYMINGTON. Is the Senator referring to the talk Mr. Dulles made in New York?

Mr. SALTONSTALL. That is correct.

Mr. SYMINGTON. I thank the Senator.

Mr. SALTONSTALL. To continue, let me repeat that Mr. Dulles' statement clearly shows that our intelligence effort is evaluated on a balance between the two factors.

In this same regard, President Eisenhower said in his news conference on January 26:

> Now I think we should never talk about an argument between intentions and capability. Both of these things are, of course, necessary when you are making any intelligence estimates. I do say that this whole business of intelligence is a very intricate and complex thing and you cannot take any one basis, any one channel of thought and make a proper estimate on which a government or a commander can act.

We all love the game of football. I cannot help but compare the question of capability versus intention with the situation of a defensive back in modern football who looks over the line opposing him and sees a player who is capable of making a strong charge against the center of the line, another back prepared to make a fast end run, and a third who is renowned as a dangerous forward passer. He is presented with various capabilities. Yet it is his purpose to try to determine the intention of the offensive team and what it is going to do, and to accomplish this effectively he must not consider merely one capability.

When we talk of numbers of missiles in 1960–61–62 and 63, we must remember that we are rating only one element of deterrent power; and must consider ultimately the overall defensive strength of our country, which is based also on highly effective manned bombers, aircraft carriers, submarines, and the Army strength.

In the same way, our intelligence must try to reach a decision between what the Russians various capabilities are and what they intend to do with them. That is what the CIA Director, Allen Dulles, has to do. I know of no man who would be less likely to deliberately give a false estimate of intelligence.

Secretary of Defense Gates, in his statement to the Armed Services Committee, said:

> The impression in some quarters that the Soviet Union has overtaken or even outdistanced the United States in military power is simply not supported by the facts.
>
> A faster rate of production of Atlas or Titan would be required if they represented our only retaliatory capability. Important as they are they fortunately do not measure our total strength. Full account must be taken of our manned bombers, which in the time covered by our program presented here today can deliver a greater destructiveness with greater accuracy than the ICBM, together with our deployed carrier attack forces, and our deployed theater forces. All of these are atomic capable, and represent a clear balance heavily in our favor * * *. There is no deterrent gap.

Certainly there is no testimony that I have heard—at least to the present time—to indicate that our military needs were subjugated to the budget. On the other hand, there are the statements of the President and the Defense Secretary that the amounts in the budget are sufficient to cover our military security during the period under consideration.

This is certainly a time of extended examination. It is also, however, a time to dispute forcefully undocumented statements that the intelligence books have been juggled so that the budget books may be balanced. The character and the personality of Dulles, Gates, and the President, as well as the nature of the statements I have quoted from them, indicate that they were not.

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

Mr. SALTONSTALL. Yes, with the permission of the Senator from Pennsylvania.

Mr. CLARK. Yes, indeed.

Mr. SYMINGTON. I thank the distinguished Senator from Massachusetts for telling me that he was going to talk this evening. I wish to suggest to him, however, that what he says Mr. Dulles said does not agree basically with what the Secretary of Defense testified before the House committee on January 13 and before the Senate committee on January 19. The testimony of the Secretary of Defense was also corroborated by the chairman of the Joint Chiefs of Staff in his testimony.

The Secretary said:

> This present one is an intelligence estimate on what we believe he probably will do, not what he is capable of doing.

It is a question as to who is correct in this case, the Secretary of Defense or the Director of CIA. No doubt a conclusion can be reached tomorrow, because the Director of the Central Intelligence Agency will appear before the committee tomorrow morning.

Mr. SALTONSTALL. That is correct.

Mr. SYMINGTON. We may get this question cleared up then.

Mr. SALTONSTALL. Yes.

Mr. SYMINGTON. Another speech which bears directly on this question was made by Gen. Thomas Power, generally considered to be one of the two outstanding experts on strategic air power. He made an important speech in New York City before the Economic Club. The speech, presumably, had been cleared by the Department of Defense prior to delivery.

Mr. SALTONSTALL. Was that sometime in December?

Mr. SYMINGTON. It was just a few days ago, I believe.

Mr. SALTONSTALL. I have not seen that speech.

Mr. SYMINGTON. In that speech, General Power strongly implies that when the Soviets have a certain number of missiles, and if we do not have an air alert the position of the United States will be practically hopeless. I think we also ought to have that speech clarified.

It worries me that anyone who is a part of the administration, regardless of his character—and I have never attacked anyone's character in this regard—should say our position is rosy, and that then another person, who certainly knows as much about the subject as anyone else, should say, "If they have a certain number of missiles, which we all know they will have very soon, or do have, unless we have an air alert, our position will be hopeless."

The important point about that is that the budget does not actually provide for any air alert. There is some money requested, but the money is requested only for some advance expenditures to prepare for an air alert sometime in the future.

I might add, in passing, that the amount in the budget is less than one-quarter of what the experts considered necessary in order to have an air alert.

Therefore, we now have, as I see, three divergent positions: First, there is the testimony of the Secretary of Defense, with respect to what the intelligence figures are based on. Second, we have the contrary position of the Director of the Central Intelligence Agency as to what the intelligence figures are based on. Third, we have the statement by the Chief of the Strategic Air Command which, if it is pursued to its logical conclusion, based on the intelligence estimates given us by the Secretary of Defense himself, makes clear that in a very short time the position of the American people will be critical, if not hopeless, unless we revise our plans and policies immediately.

Mr. SALTONSTALL. I know that the Senator and I can debate this subject at a future time, and I shall be glad to listen to him, and I hope he will be glad to listen to me. However, at the present time my remarks are based on the short sentence the Senator put in his speech, at page 1372 of the RECORD, that the intelligence books have been juggled so the budget books may be balanced.

That statement, in my opinion, is not an accurate statement, because we know from what he has just said and from what I have said that Mr. Dulles' intelligence estimates are based on, first, capabilities—and if the Senator will read the full speech he will see that this is true—first on capabilities, and then, when he finds the capabilities, he gets into intentions. So it is a balance between the two, as the President said in his press conference.

What General Power said about air alert perhaps goes beyond what General White has said. I have read some of the testimony of General White, but not all of it, because I was unable to be present when he testified. However, I believe that an air alert should be put into effect.

Mr. SYMINGTON. Does the Senator think that there is a difference between the testimony which was given at a classified hearing by General White and the statement before the Economic Club in New York by General Power? Does he not think it is more important to consider what General Power said to the American people, from the standpoint of accuracy, than what has been said in a classified hearing? The Senator referred to my statement that the intelligence books have been juggled so that the budget books may be balanced. I have not questioned anything that Mr. Dulles has done. Based on the testimony Secretary Gates gave us, however, I have a right to believe that the intelligence books have been juggled to balance the Budget books.

Mr. SALTONSTALL. I disagree with the Senator.

Mr. SYMINGTON. I understand. I should like to refer the Senator to a year ago this month when a high official of the administration made the statement in a semiprivate press conference, that, although the Russians were ahead of us in missiles we were rapidly closing the missile gap. I promptly told the Senate that such a statement was not true and that unless it was corrected publicly I would give the facts in percentages, without violating security. I give full credit to Secretary McElroy because he thereupon supported my statement by announcing that we were allowing the Russians to get a 3-to-1 lead in ICBM's.

Mr. SALTONSTALL. In missiles.

Mr. SYMINGTON. Missiles; that is correct. That is what I mentioned specifically when I said then that the assertions that we were rapidly closing the missile gap was incorrect.

Mr. SALTONSTALL. Missiles in 1960.

Mr. SYMINGTON. I wish to point out to the Senator that I do not make statements of this character casually. I believe the Senator will agree with me that I have done a great deal of work to understand the subject we are talking about. Inasmuch as the Senator has questioned my statement on the floor today I desire to tell him again, as I said last January, that I will keep on trying to get the truth out to the people on a percentage basis, unless the position taken by the Secretary of Defense is corrected. His position is not accurate, based on his own figures, and the American people have the right to know about this very serious matter. If General Power's statement is correct, we should have an alert as soon as possible. I believe the Senator from Massachusetts will agree with me on that.

It seems to me that once again we find that the American people are being given a false impression in public, contrary to what we are told in classified meetings.

Mr. SALTONSTALL. I should like to say in reply to the Senator from Missouri—and I appreciate the courtesy of the Senator from Pennsylvania—that while we cannot in open session discuss the classified statement of the Secretary of Defense, the statement that he released publicly is open; and that from what I have read of that statement and from what I have heard him say, I believe he was talking about fiscal year 1960, and that in fiscal year 1960 our deterrent power would be equal or superior to the power of any opponent we might face, so that no nation would dare to attack us. He went on to say what was being done for 1961, 1962, 1963, and 1964, and to talk about the various gaps, and the strength of our bombers and our carriers and our Polaris submarines; indeed, our whole strength came into the picture. I went out of the room feeling that the Secretary of Defense had made a statement that our deterrent power—that which was covered by his statement and that which we were considering in this session of Congress—was up to what was necessary for us to defend ourselves adequately and to prevent war from starting.

Mr. SYMINGTON. Am I correct in assuming that the Senator is stating that the Secretary of Defense says that, in his opinion, our deterrent power is adequate in 1960, but that it is not adequate for 1961 or 1962?

Mr. SALTONSTALL. No.

Mr. SYMINGTON. Then why does the Senator concentrate on the year 1960?

Mr. SALTONSTALL. Because that is the year which we are now considering. I agree with the Senator from Missouri or with anyone else who makes the statement that we must look ahead; and we are looking ahead. As the President said in his state of the Union message, we are building up our Atlas missiles. The Senator from Missouri and I have both combined our efforts to get more Polaris submarines. I think the Senator from Missouri and I both agreed last year on the need for additional money for the Army, in connection with its modernization of weapons. We are looking far ahead.

Mr. SYMINGTON. We agreed on the need, but we did not agree on the amount of money which should be appropriated to meet the need.

Mr. SALTONSTALL. That may be correct, but the amount which was finally appropriated represented the overall, composite judgment of the House and the Senate.

Mr. SYMINGTON. This is a very serious statement and it is made in all sincerity. We are now talking about the future of our country and the rest of the free world. In my opinion, based upon the testimony which was given by Secretary of Defense Gates as to what the Soviet intentions are, and comparing those intentions with our own production schedules, I do not believe our deterrent capacity in 1961, for example, will be adequate to maintain the security of the United States.

I am not limiting that conclusion to our missile deterrent capacity; I am talking about our overall deterrent capacity. I make that statement because I hope that after the hearings are completed and the matter becomes one of appropriations, the House and Senate will provide the funds necessary to increase substantially our missile production, and also enough funds to provide for an adequate air alert. Then, it is hoped the administration will use the money as intended by the Congress.

As a result of what the Secretary of Defense said, most people felt that the budget provided for an acceleration of our ICBM production. That is not true. The additional money requested is simply going at the end of the existing schedule. Therefore, there would not be any extra missiles for a great many months to come—none in 1960, 1961, or 1962.

One thing more, since the Senator from Massachusetts has raised the question. I think we must get this matter out on the table. If the statement or speech of General Power, which must have been cleared prior to delivery, is correct, if we use the figures which the Secretary of Defense has given us, which are classified, and if we use the official ICBM production schedules, which are classified, our position in 1961 will be such that we will not have an adequate overall deterrent capacity. I believe that matter is of such serious consideration on the part of the American people that they ought to know it, and that the funding for our defense should be adjusted accordingly.

Mr. SALTONSTALL. Let me make one statement in reply to what the Senator from Missouri has said. I again thank the Senator from Pennsylvania for

yielding to us. The Senator from Missouri is clearly entitled to his opinion as to what is going to happen, based upon the studies, in 1961. That is a matter which we should debate and consider very carefully when all the facts are known. I have confidence in the Secretary of Defense, and I have confidence in the President of the United States. I believe that when they give us their estimates of what is necessary for the year 1960 and what is necessary in order to prepare for 1961, the burden of proof is on those who disagree with them.

The Senator from Missouri is entitled to disagree with them, and he is entitled to and should debate the matter fully on the floor. I hope I will have the opportunity again to discuss these questions with him.

Without wishing to prolong the argument at this time, in justice to the Senator from Pennsylvania and his courtesy, I call attention to the fact that I do not believe there was any intention on the part of anyone to alter the Intelligence estimates so as to balance the budget. That is what I wanted to bring out this afternoon. I know the Senator from Missouri has confidence in the personality and character of the Director of the Central Intelligence Agency, as I do, and I believe he also has, as I know I have, confidence in the integrity and character of the Secretary of Defense and, of course, the President of the United States.

Mr. SYMINGTON. I thank the Senator from Massachusetts for his graciousness and courtesy and for the invariably high plane on which he conducts a colloquy of this kind.

Again, I express my appreciation to the distinguished Senator from Pennsylvania for allowing us to discuss this matter on his time. My only consolation is that the Senator from Pennsylvania is one of the experts in this field and I am confident is interested in what we are talking about.

What I have said is not a matter of my opinion; it is a matter of mathematical fact, based on the figures which were presented by the Secretary of Defense to the Committee, and based on the production schedules which have been presented to the Senate Committee on Armed Services by the Pentagon Building.

This is not a question of personal opinion; it is a matter of fact, that unless the budget is increased and provision is made for additional intercontinental new missiles and a true air alert now, we will very soon not have the overall deterrent capacity—not merely the missile capacity—necessary for the security of the United States.

Mr. SALTONSTALL. That is an opinion——

Mr. SYMINGTON. It is not an opinion; it is the product of clear mathematical analysis.

Mr. SALTONSTALL. The Senator did not hear me out.

Mr. SYMINGTON. I beg the Senator's pardon.

Mr. SALTONSTALL. That is an opinion of the distinguished Air Force general, without any question. Over him is a civilian head, and over both is the Commander in Chief. What we must work out is a balanced deterrent force. That is what I am certain the distinguished Senator from Missouri wants to do.

Mr. SYMINGTON. I thank the Senator from Massachusetts.

Again, I express deep appreciation to the Senator from Pennsylvania.

Mr. CLARK. I feel I am better informed because of this discussion. I certainly am happy to have yielded to my distinguished colleagues. I should like, if I may, to make this comment on the colloquy, particularly to the Senator from Massachusetts.

It seems to me that this is not a question of integrity or a question of character at all. Nobody questions the character of his good friend and mine, Secretary Gates, with whom I grew up as a boy in Philadelphia. Nobody questions the integrity of the Director of the Central Intelligence Agency or of the President of the United States. This is a question of judgment. The question is whether budgetary considerations have affected the judgment of these men, who are charged with the national defense.

In that regard, I call the attention of the Senator from Massachusetts to a most interesting article entitled, "The Missile Gap: Fishy Stuff," written by Joseph Alsop, and published in the Washington Post this morning. Mr. Alsop points out:

> The American intelligence estimate prepared at the time of the first sputnik gave the Soviets about 500 intercontinental missiles by the end of this year. If these first estimates happen to be correct, the Kremlin may already have enough ICBM's to "wipe out" our nuclear deterrent.
>
> During 1958, however, the first estimates were downgraded. New and lower estimates were conveniently revealed by former Secretary of Defense Neil McElroy, during his presentation of the business-as-usual 1959 Defense budget.

Mr. Alsop further says:

> During 1959, however, the revised estimates were revised yet again. The new and still lower estimates were conveniently revealed by Secretary of Defense Thomas Gates, during his presentation of the business-as-usual 1960 Defense budget.

Continuing, Mr. Alsop says:

> On the face of it, there is something very fishy about these repeated, strikingly convenient downgradings of intelligence estimates. How can anyone be so sure that Nikita S. Khrushchev was lying, in late 1958, when he stated that Soviet ICBM's were already "in serial production"? How can anyone prove that he was being deliberately misleading, more recently, when he seemed to say that a single Soviet factory had turned out 250 ICBM's last year?

Near the end of his article, Mr. Alsop says:

> Pearl Harbor was the result, the last time the American Government based its defense posture on what it believed a hostile power would probably do, and not on what the hostile power was capable of doing. If the estimates are wrong by no more than a hairsbreadth, something much worse than Pearl Harbor can now be the result.
>
> In this matter, it is folly to blame the estimators, and above all the Central Intelligence Agency. The CIA has never claimed to provide gospel instead of estimates. It has done its best with a bad, difficult business. But those who have pressed for downgraded estimates, and have then used mere estimates as gospel, can certainly be blamed. These sponsors of our business-as-usual defense budgets, headed by the President, are playing a vast game of Russian roulette with the national future.

Mr. President, I ask unanimous consent that the entire article written by Mr. Alsop may be printed in the RECORD at this point in my remarks.

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

THE MISSILE GAP: FISHY STUFF

(By Joseph Alsop)

The American intelligence estimate prepared at the time of the first sputnik gave the Soviets about 500 intercontinental missiles by the end of this year. If these first estimates happened to be correct, the Kremlin may already have enough ICBM's to "wipe out" our nuclear deterrent.

During 1958, however, the first estimates were downgraded. New and lower estimates were conveniently revealed by former Secretary of Defense Neil McElroy, during his presentation of the business-as-usual 1959 defense budget. This second set of estimates gave the Kremlin 500 ICBM's by the end of 1961. If the revised estimates happened to be correct, the Kremlin should be in a position to win the world about 12 months from now.

During 1959, however, the revised estimates were revised yet again. The new and still lower estimates were conveniently revealed by Secretary of Defense Thomas Gates, during his presentation of the business-as-usual 1960 Defense budget. If the twice downgraded estimates happen to be correct, we may perhaps bridge the missile gap without any final catastrophe—provided the Pentagon's highly optimistic schedules for the Minuteman missile and other weapons of the future also happen to be correct.

On the face of it, there is something very fishy about these repeated, strikingly convenient downgradings of intelligence estimates. How can anyone be so sure that Nikita S. Khrushchev was lying, in late 1958, when he stated that Soviet ICBM's were already "in serial production"? How can anyone prove that he was being deliberately misleading, more recently, when he seemed to say that a single Soviet factory had turned out 250 ICBM's last year?

If he was telling the truth, Khrushchev must now have at least 150 operational ICBM's. The highest American authority, the Strategic Air Commander, Gen. Thomas Power, has publicly said 150 ICBM's could virtually wipe out our nuclear deterrent. And the answer to the questions posed above is, quite simply, that no one in America can possibly be sure Khrushchev was not telling the truth, despite our downgraded estimates.

The proof of that statement lies not merely in the disturbing record of the estimates and the peculiar machinery that produces them, both of which have already been described in this series. In the evidence itself lies the best proof that the estimates are no more absolutely reliable than their name implies.

The gaps in our evidence on the Soviet ICBM program are quite certainly very great. We do not know whether the Soviets have one, or two, or three, or more ICBM plants comparable to our own Atlas plant, which could turn out 150 ICBM's in 10 months if ordered into three-shift production. We do not know whether crews have been diverted for ICBM's from the admittedly massive Soviet IRBM program. We do not know about launching pads, since even the doubly downgraded estimates suggested that the Soviet ICBM's are probably rail mobile.

Such are the vast areas of ignorance, which unchallengeable authorities assert are concealed behind the national estimates. There are hints and indications, of course, to garnish the gap. But there is in fact only one main area of certainty. Our missile-watching radars have told us that the Soviets were not running great numbers of ICBM tests—only three per month until recently. We also have information about the Soviet testing facilities apparently confirming the information about the ICBM tests.

This limited Soviet program of ICBM tests has been almost the only excuse for twice downgrading the estimates. On this point, the Central Intelligence Agency, which is not in the missile business, is ill-equipped to argue with the Pentagon, which is very much in the missile business. The Pentagon uses American test requirements as the yardstick—a highly dubious yardstick for many technical reasons. Insisting on this yardstick, the Pentagon has also insisted that the Soviets cannot be engaged in a crash program of ICBM output.

The words, "crash program," are doubly revealing. They show first the deforming effect of budgetary pressures. A mere 10 months of capacity output by our own Atlas plant—the Kremlin requirement as stated by General Power—could not be called a crash program by anyone who had not lost his grip on reality.

Second, these words, "crash program," also imply a shocking fact that Secretary Gates has now publicly admitted. They show that our estimates are no longer calculations of Soviet capabilities—calculations of the utmost the Soviet can do, by a crash program for instance. They indicate that our estimates are now mere calculations of Soviet intentions. Despite Secretary Gates' subsequent attempts to fuzz the whole thing over, his original testimony on this point was crystal clear.

"Figures (of Soviet ICBM output) that have been testified to in years past * * * were based on Soviet capabilities. This present one is an intelligence estimate of what we believe (to Soviet) will probably do, not what (the Soviets are) capable of doing."

Pearl Harbor was the result, the last time the American Government based its defense posture on what it believed a hostile power would probably do, and not on what the hostile power was capable of doing. If the estimates are wrong by no more than a hairbreadth, something much worse than Pearl Harbor can now be the result.

In this matter, it is folly to blame the estimators, and above all the Central Intelligence Agency. The CIA has never claimed to provide gospel instead of estimates. It has done its best with a bad, difficult business. But those who have pressed for downgraded estimates, and have then used mere estimates as gospel, can certainly be blamed. These sponsors of our business-as-usual defense budgets, headed by the President, are playing a vast game of Russian roulette with the national future.

Mr. SYMINGTON and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. CLARK. I yield first to the Senator from Missouri; then I shall yield to the Senator from Massachusetts.

Mr. SYMINGTON. First, I congratulate the distinguished Senator from Pennsylvania for his fine statement. I, too, read the Alsop article and also the three of the same series which preceded it. I understand there will be two more. In my opinion, Mr. Alsop is doing a service to the people of the United States by presenting this excellent analysis of the way in which the administration is playing "ducks and drakes" with our national security.

I may say to the Senator from Massachusetts that I do not believe in attempts to meet facts with assertions about character. With all due respect to the character of the persons to whom he referred, I have sometimes found people without high character entirely right on certain subjects, and also people of the highest character who were not entirely correct on certain subjects. There is not necessarily a correlation.

I am becoming a little tired of what may be called the arrogant benevolence to which we are being treated. Perhaps one might prefer to call it benevolent arrogance. It seems to me that these matters should be judged not on the basis of the individual's character, but on the basis of fact and experience.

Mr. CLARK. Such as the experience of the commander of SAC.

Mr. SYMINGTON. I should say the commander of SAC is reasonably able to discuss the Strategic Air Force in some detail, and possibly with as much ability as the Secretary of Defense, who has been serving in his present capacity for only a few days, and who, prior to that, was Deputy Secretary of Defense, and prior to that was Secretary of the Navy.

I in no way criticize the high character of Mr. Gates, and I am confident the Senator from Massachusetts is not attacking the character of the Chief of the Strategic Air Command. I think that when we debate these subjects we should discuss the facts and should consider the relative experience of the persons in the particular positions to which we refer.

Mr. CLARK. I find myself in complete accord with the Senator from Missouri. I am happy to yield now to the Senator from Massachusetts.

Mr. SALTONSTALL. I will make a very brief statement. The Senator from Pennsylvania stated it was not a question of character, but of judgment. I think it is a question of both. I think it is a question of character, of having confidence in someone's telling the truth and giving his best judgment, to the very best of his ability, regardless of where it may hit or of political incidence. I think, in the case of the Secretary of Defense and the President of the United States, that they are today the ones in civilian life who are the best informed, and should be the best informed, of any two civilians.

Mr. CLARK. I am glad the Senator said "should be," instead of "are." They should be. The question is, Are they?

Mr. SALTONSTALL. I say they are, and should be. Those who controvert their judgment must bear the burden of proof to show that they are wrong. I think that is the way I would like to leave it.

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

Mr. CLARK. I am happy to yield.

Mr. SYMINGTON. We have heard a number of divergent statements. It is not necessary to say that somebody is not telling the truth, but it is necessary to point out that somebody is not correct. Regardless of the personal character of the persons involved, facts are the vital things in this field. Therefore, I hope that the Senator from Massachusetts and the Senator from Pennsylvania agree with me, as I am sure they do, that we should get the facts before the American people, regardless of how high the character is of those who are in disagreement.

Mr. SALTONSTALL. I will say to the Senator that I agree with him entirely about getting the facts. I hope both he and I will have the facts by the time the appropriation bill comes before us, and have an opportunity to debate the question on the floor.

Mr. SYMINGTON. I thank the Senator.

Mr. CLARK. I am happy to have had the privilege of yielding to the two distinguished Senators.

I turn now to other matters.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RECENT OUTBREAKS OF ANTI-SEMITISM AND ANTI-CATHOLICISM

Mr. CLARK. Mr. President, the recent rash of anti-Semitic and anti-Catholic outbreaks is shameful and frightening. Whether these desecrations are the result of organized, sinister planning or not, they are hardly meaningless. Their meaning lies in the moral vacuum which they indicate in their perpetrators. We cannot dismiss these acts as simple hysteria, for they have centered on a symbol of hatred, the swastika, almost unequaled in human history. They show us how far we must go to educate our young people to the fact that, as Theodore Roosevelt once said:

> Religious intolerance and bitterness are bad enough in any country, but they are inexcusable in ours.

Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania.

INFLATION EDUCATION SIDELINED

Mr. CLARK. Mr. President, I ask unanimous consent that an interesting news article by Mr. Peter Edson, of the Scripps-Howard publications, appearing in the January 22, 1960, issue of the Pittsburgh Press, and entitled "Ike Changes Mind—Inflation Education Sidelined," may appear in the RECORD at this point in my remarks.

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

IKE CHANGES MIND—INFLATION EDUCATION SIDELINED

(By Peter Edson)

WASHINGTON.—Two important changes in Eisenhower administration policies are revealed by the new economic report of the President to Congress.

The big campaign to educate the American people into believing that inflation is the greatest danger menacing the country apparently has been dropped.

And a new policy favoring reduction of the national debt has been substituted for tax re-

duction as the best means to stimulate economic growth.

A year ago, when the country was just coming out of the 1958 recession, the economic report said, "The growth of the national economy was significantly aided by the 1954 tax changes." They cut taxes $7 billion.

Last year's report went on to say, "If the economy grows at the expected rate * * * a significant additional step in tax reduction can be taken in the foreseeable future."

TAX CUT OUT

But this year that idea is thrown into the ashcan. The administration backs completely away from tax reduction.

So instead of using the anticipated $4,200 million surplus for tax reduction, it will be used for reduction of the national debt.

The theory seems to be that it is debt reduction, not tax reduction which will "promote steady and vigorous economic growth * * * restrain inflationary pressures * * * facilitate noninflationary management of public debt."

A year ago when there was a great to-do about preventing inflation, the steel companies and unions were both told they must show real statesmanship and make a new labor contract which would be noninflationary.

You don't find anything like that in the new economic report. Instead, Government officials interpreting the new economic report give you the alibi that since steel management has said there will be no "immediate" price increase, the new contract is noninflationary.

COMPLETE SWITCH

It is explained that steel management now says wage payments under the new contract will represent a 3.5 percent increase in production costs over the first year.

Administration spokesmen therefore say that if the steel industry can achieve a 3.5 percent increase in productivity over the year, this will enable management to absorb increased costs of the new contract without having to raise prices.

The possibility of price rises from other causes, however, is not ruled out. It is said that they could come from a boom economy with heavier consumer demand and buying, inventory buildups by business, or heavy investment for plant expansion.

And such developments as these would reduce the administration's previous propagandizing against inflation to something of a cruel joke played on the American people.

It represents about as complete a change in economic policy as any administration has attempted in so short a time.

Mr. CLARK. Mr. President, one of the interesting comments in Mr. Edson's article is this:

The big campaign to educate the American people into believing that inflation is the greatest danger menacing the country apparently has been dropped.

Mr. Edson continues with an interesting analysis supporting that statement, which I hope my colleagues will find valuable.

Mr. President, I desire to refer to another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

TO STRENGTHEN THE AUTHORITY OF THE UNITED NATIONS TO PREVENT WAR

Mr. CLARK. Mr. President, on behalf of myself, and Senators BEALL, BYRD of West Virginia, CARROLL, CHURCH, GRUENING, HENNINGS, HUMPHREY, JAVITS, KEFAUVER, KENNEDY, MAGNUSON, MCCARTHY, MCGEE, MORSE, MOSS, NEUBERGER, PROXMIRE, SYMINGTON, WILLIAMS of New Jersey, YOUNG of Ohio, PASTORE, LONG of Hawaii, LAUSCHE, ENGLE, and RANDOLPH, I submit, for appropriate reference, a concurrent resolution urging U.S. support of a program for world peace through world law.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 83) to strengthen the authority of the United Nations to prevent war, submitted by Mr. CLARK (for himself and other Senators), was received and referred to the Committee on Foreign Relations, as follows:

Whereas the basic purpose of the foreign policy of the United States is to achieve a just and lasting peace; and

Whereas there can be no such peace without the development of the rule of law in the limited field of war prevention; and

Whereas peace does not rest on law today but on the delicate balance of terror of armed force; and

Whereas the United Nations General Assembly at its fourteenth session unanimously adopted "the goal of general and complete disarmament under effective international control" and called upon governments "to make every effort to achieve a constructive solution of this problem"; and

Whereas a just and lasting peace would not be assured even if nations lay down their arms unless international institutions for preventing war were strengthened; and

Whereas the United Nations constitutes an important influence for peace but needs to be strengthened to achieve the rule of law in the world community; and

Whereas the United Nations General Assembly at its tenth session resolved that "a general conference to review the charter shall be held at an appropriate time"; and appointed a "Committee consisting of all the members of the United Nations to consider, in consultation with the Secretary-General, the question of fixing a time and place for the conference, and its organization and procedures"; and

Whereas the United Nations General Assembly at its fourteenth session resolved "to keep in being the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter, and to request the Committee to report, with recommendations, to the General Assembly not later than at its sixteenth session"; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the U.S. position at the next meeting of the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter should be that the Committee recommends to the United Nations General Assembly that a charter review conference be held not later than December 31, 1962, and that member governments be requested to prepare recommendations and to exchange views with respect to United Nations Charter review and revision in order to facilitate the organization of the said conference and to further the chances of its success.

SEC. 2. The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, within twelve months after the date of approval to this resolution, the results of such studies.

SEC. 3. It is further the sense of the Congress that the United States should present specific proposals to strengthen the authority of the United Nations to prevent war, at future international conferences concerning general disarmament and to the United Nations Disarmament Commission.

Mr. CLARK. Mr. President, among the sponsors of this resolution are five members of the Senate Foreign Relations Committee, Senators HUMPHREY, of Minnesota; KENNEDY, of Massachusetts; LAUSCHE, of Ohio; CHURCH, of Idaho; and MORSE, of Oregon; and three members of the Senate Armed Services Committee, Senators ENGLE, of California; BEALL, of Maryland; and SYMINGTON, of Missouri.

Twenty-six Senators are more than one-quarter of the entire body of the Senate. I hope this resolution will be of great interest to our colleagues and will soon be the subject of hearings by the Senate Foreign Relations Committee. Mr. President, the resolution expresses the sense of the Congress.

First. That the United States should recommend convening no later than December 31, 1962, a conference to review and strengthen the Charter of the United Nations;

Second. That the President be requested to initiate high-level studies to determine needed changes in the U.N. Charter to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention; and

Third. That the United States should present specific proposals to strengthen the authority of the United Nations to prevent war at future international conferences on general disarmament.

The resolution supersedes and brings up to date Senate Concurrent Resolution 52, sponsored by most, but not all, of the same Senators as last year.

An identical resolution was offered in the House of Representatives today by Representative CHARLES O. PORTER, of Oregon, and was cosponsored by a number of other Representatives.

Mr. President, I ask unanimous consent that there may appear in the RECORD at this point in my remarks a list of the sponsors in the House of Representatives.

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

House sponsors in addition to Representative PORTER, include Representatives HUGH J. ADDONIZIO, Democrat, of New Jersey; THOMAS L. ASHLEY, Democrat, of Ohio; JOHN A. BLATNIK, Democrat, of Minnesota; FRANK M. CLARK, Democrat, of Pennsylvania; JOHN R. FOLEY, Democrat, of Colorado; BYRON L. JOHNSON, Democrat, of Colorado; ROBERT W. KASTENMEIER, Democrat, of Wisconsin; THOMAS J. LANE, Democrat, of Massachusetts; HARRIS B. MCDOWELL, JR., Democrat, of Delaware; WILLIAM H. MEYER, Democrat, of Vermont; JOSEPH M. MONTOYA, Democrat, of New Mexico; WILLIAM S. MOORHEAD, Democrat, of Pennsylvania; ADAM C. POWELL, Democrat, of New York; JAMES M. QUIGLEY, Democrat, of Pennsylvania; GEORGE M. RHODES, Democrat, of Pennsylvania; RALPH J. RIVERS, Democrat, of Alaska; JAMES

ROOSEVELT, Democrat, of California; PETER W. RODINO, JR., Democrat, of New Jersey; and LEONARD G. WOLF, Democrat, of Iowa.

Mr. CLARK. Mr. President, it is clear that the United Nations is a vital influence for peace in the world today. The fact that national spokesmen, no matter how hostile their countries, can assemble in one chamber to air their grievances at times of world crises, provides an all-important safety valve for national emotions and prejudices. It is just as clear, however, and perhaps more so to the friends of the U.N. than to its opponents, that the limitations contained in the present charter make the U.N. ineffective when world peace is threatened by the big powers.

The Charter of the United Nations should be drastically revised and strengthened. A document drafted before the advent of the hydrogen bomb, sputnik, lunik, and intercontinental ballistic missiles is clearly inadequate to deal with today's problems of peace and survival and the coming advent of man into outer space.

As merely one example it should be noted that one-third of the earth's population, including 40 countries and 933 million people are not even presently represented in the U.N.

The present methods, organizational structure, voting procedures, veto provisions, arrangements for the pacific settlement of disputes, agencies for world economic and social advancement are all outmoded. A lot of hard work must be done to modernize the charter before it is too late.

Other U.N. defects are known to all of us. The disproportionate power given to small nations by the one-vote-per-member rule under the present charter permits the 42 smallest states in the U.N., with a total population of 147 million, to outvote the 40 largest states, which have 1,170,000,000 persons. Ninety-four times the veto has been used to prevent action by the Security Council and the difficulties and delays inherent in General Assembly action have been amply demonstrated. The deplorable picture of the U.N. Secretary General having to beg annually to obtain the small contributions called for in the U.N. budget, which amounts to $63 million in 1960, has become an international scandal. The need to expand the UNESCO council is widely recognized. The absence of an international police force may prove tragic to the coming disarmament negotiations.

The history of U.N. Charter Review efforts can be summed up in one word, "stagnation."

Now nothing was done about charter review in the first 10 years of the U.N.'s existence. The subject was placed on the agenda of the 10th General Assembly, which met in New York in 1955. With the United States taking the lead, the General Assembly resolved, by a vote of 43 to 6, with 9 abstentions, that "a general conference to review the charter shall be held at an appropriate time."

A committee consisting of all members of the U.N. was created "to consider, in consultation with the Secretary General, the question of fixing a time and place for the conference, and its organization and procedures." The committee "was instructed to report to the General Assembly no later than the 14th session to be convened in 1957."

The so-called committee on arrangements met in June of 1957, and the members decided to recommend to the General Assembly at its 12th session that the committee be kept in being and be requested to report not later than the 14th session, but no date for the charter review conference was set.

The 12th session of the General Assembly convened in October of 1957 and approved the committee's recommendations.

Last September the United Nations Committee on Arrangements met again, early in September. Although 20 members of this body, including four members of the Foreign Relations Committee, had gone on record by their sponsorship of Senate Concurrent Resolution 52 as favoring the convening of a U.N. charter review conference, our representative at that meeting opposed such action at the present time. Ambassador Lodge stated only that the United States favored charter review at the appropriate time, and that our Government was willing to have a review conference whenever a majority of the members considered it appropriate. Accordingly, the U.N. committee proceeded to defer until the fall of 1961 the whole issue of when to hold a conference, and the 14th General Assembly approved its recommendations and requested that the committee report back to the assembly within 2 years.

Thus there is ample time for the United States to prepare its position in regard to charter review and advocate that position among our allies and the uncommitted nations of the world in advance of the next meeting of the U.N. committee on arrangements.

The concurrent resolution states the sense of Congress that the U.N. position at the next meeting of the committee on arrangements should be that the committee recommend to the 16th session of the U.N. General Assembly that a charter review conference be held not later than December 31, 1962. The date is a target one only, and intended to indicate congressional feeling that a specific date should be agreed upon by the committee and recommended to the General Assembly. Otherwise it is abundantly clear that the whole issue will merely be put over for another 2 years.

Mr. President, in commenting on the similar resolution which I introduced last year, the State Department gave as one of its reasons for opposing U.N. charter review at this time the fact that the Soviet Union was strongly opposed to any review conference. The Department report stated:

> It must be borne in mind * * * that the U.S.S.R. is blocking the possibility of any charter change by its announcement that it will, in effect, veto any amendments unless the Chinese Communists are seated in the United Nations.

This is, indeed, the Soviet position, but I submit that it should have no bearing whatsoever on our own determination and advocacy of what is right and proper in this or any other sphere of international activity. It is apparent from section 109 of the charter, which I cited above, that the U.S.S.R. has no veto power over the convening of the charter review conference which can be called by a simple majority vote of the members of the General Assembly with the concurrence of 7 of the 11 members of the Security Council. True, the U.S.S.R. would not have to ratify changes recommended by a review conference. If Soviet Russia refused to accept sound organizational improvements in the U.N. however, it would do so only at the peril of alienating the vast majority of all nations. Unfortunately perhaps, the Russians have not shown such insensitivity to world opinion in the past, and any glib assumption that they would do so in the future must be examined critically.

Some fear that any change in the U.N. would be for the worse and that a charter review conference might weaken rather than strengthen the United Nations. If this were the case, U.S. ratification would not be forthcoming, and the organization would remain in its present form because of the provisions of section 2 of article 109.

Others, equally misguided in my opinion, oppose any strengthening of the U.N. on the grounds that it would be in derogation of our sovereign rights as an independent Nation. Sovereignty is an emotion-packed battle cry always raised against proposals to recognize the interdependence of nations, regardless of whether the proposals are well conceived and limited in scope. I believe that this battle cry has become shopworn, and I would commend to my colleagues Elmo Roper's article in the December 26 issue of Saturday Review, "Cracking the Sovereignty Barrier."

I am convinced that the people of this country are coming to a realization that we do not now enjoy and have not for some time in the past enjoyed unfettered sovereignty to do as we please. The United States is one of the two great powers in the world today. We represent, however, only 6 percent of the world's peoples. The nuclear stalemate prevents us from making over the world in our own image as recent events in China, Tibet, the Middle East, and Cuba demonstrate. In my judgment, Mr. President, we are not going to be able to help the people of West Berlin or Budapest in the long run unless we can replace the rule of terror with the rule of law in the world community.

With respect to the second part of the resolution, Mr. President, so far as we can tell, our State Department is giving no serious present consideration at a high level to the substantive issues of charter review. In a letter dated April 3, 1959, addressed to me by the State Department, this statement is made:

> Since no date for a (charter review) conference has yet been set, no special consideration is presently being given to the substantive issues of charter review.

On May 19, 1959, in commenting on Senate Concurrent Resolution 52, the predecessor of the present resolution, the Department stated:

> Present circumstances * * * do not, in the Department's view, warrant the initiation at this time of further high level studies in the executive branch of the Government in connection with charter review.

It is high time the administration bestirred itself to deal seriously with one of the most important issues of our time.

I am very hopeful that the present leadership in the State Department will soon, if it has not already, come to that conclusion.

With respect to the third part of the resolution, Mr. President, total and permanent controlled disarmament should be the ultimate aim of this country. It is already the stated goal of England and Russia, the only two other countries presently possessing nuclear weapons and the ability to penetrate outer space. In response to the plans for total and permanent disarmament offered by Selwyn Lloyd and Nikita Khrushchev in the U.N. last fall, we have gone no further than the statement made by Ambassador Henry Cabot Lodge:

> If all nations lay down their arms, there must be institutions to preserve international peace and security and promote the rule of law.
>
> It seems to the U.S. Government that there are three questions in particular to which detailed answers should be sought: (1) what type of international police force should be established to preserve international peace and security? (2) what principles of international law should govern the use of such a force? and (3) what internal security forces, in precise terms, would be required by nations of the world if existing armaments are abolished?

Mr. President, this is not enough. It is not nearly enough. It is, as Norman Cousins has well said, "our turn to speak."

Nor can we justify inaction on the ground that Mr. Khrushchev may oppose those inspection and control systems which are the heart of a workable general disarmament plan. On the contrary, the Russians have indicated their interest in setting up such inspection and control as a part of any total and permanent disarmament agreement. In his U.N. speech, Khrushchev stated:

> There should be initiated a system of control over all disarmament measures which should be created and should function in conformity with the three stages by which disarmament should be effected.

At a Washington press conference on September 27, Khrushchev stated:

> We believe that in the process of disarmament, in accordance with each stage of disarmament, there should be an appropriate stage of control, that is, the presence of representatives of other states and control over the regions subject to control in accordance with agreement. And this will be throughout the whole process of disarmament up to its full completion.

That this was not an unintentional ad lib response to a newsman's question was indicated by the fact that Mr. Kuznetzov, of the U.S.S.R., repeated Khrushchev's answer at U.N. on October 7, 1959.

Mr. President, I view the absence of specific proposals to strengthen the U.N. the main drawback in the Russian proposal. During the course of the disarmament debate at the United Nations last fall, no less than 31 U.N. delegations expressed views that better international machinery to preserve peace was a fundamental requirement for a disarmed world. The key portions of these statements have been put together in booklet form by Marion H. McVitty, official U.N. observer, and I commend that booklet to the attention of my colleagues.

The role of member nations advocating improvement in the structure of the U.N. and its component organs during this debate is an impressive one, and the spokesmen came from all areas of the world and from both sides of the Iron Curtain. India, Greece, Yugoslavia, Italy, Netherlands, Japan, Liberia, Australia, Colombia, Turkey, Belgium, Pakistan, France, Haiti, Ethiopia, Indonesia, Libya, Saudi Arabia, Burma, Canada, and several other nations were heard on this point.

The Italian spokesman was perhaps the most eloquent. Signor Ortona declared on October 23 that:

> A thorough study of the measures to be adopted to cope with possible violations of international agreements on total disarmament should be taken up. In this respect it appears quite clear that the rules at present contained in our charter, which have been conceived in view of a partial and not total disarmament, should be revised in order to furnish the Security Council and the Assembly with an international military instrument to guarantee peace effectively. The various states, while abiding by the planned measures for total disarmament, would not be in a position to place at the disposal of the United Nations—as it is provided for today—any armed contingent against a possible aggressor. * * * in total and general disarmament will thus imply also important revisions in the charter and the magnitude of their significance would induce one to believe that when such necessary statutory amendments take place, also the present right of veto would be revised, as it is based on the concept of preeminent military power, which would have ceased to exist. Anyhow, the exercise of the right of veto on this matter certainly would not be justified, as it would bear on a field in which rights and duties should be equal to all.

On November 20, 1959, the U.N. General Assembly unanimously adopted the goal of general and complete disarmament under effective international controls, and called upon member governments "to make every effort to achieve a constructive solution to this problem." The U.N. referred all disarmament proposals made during the 14th session to the 10-nation group—United States, United Kingdom, France, Italy, Canada, U.S.S.R., Bulgaria, Czechoslovakia, Poland, and Rumania—which will meet in Geneva on March 15, 1960, to attempt to reach an East-West agreement on general disarmament.

Mr. President, resolutions substantially similar to that which has been offered here this afternoon have been offered by 46 members of the House of Commons in England and have also been offered in the French and Italian Parliaments and in the Japanese Diet.

Shortly before Christmas I had a most interesting meeting in Tokyo with members of the Foreign Relations Committee of the Japanese House of Councilors, and discussed this subject with the Vice Minister for Foreign Affairs of Japan. I found in that country an overwhelming sentiment for world peace through the rule of law.

I hope that the United States will not lag behind our friends much longer in advocating the rule of law in the world community.

Mr. President, I am concerned about the position our Government is going to take at the coming ten-nation disarmament talks. As we all know, Mr. Coolidge of Boston was brought here by the President to prepare a report on disarmament with the assistance of the Defense Department and of the Department of State. Mr. Coolidge worked hard and diligently on that report. It is, of course, "top secret" and I have not seen it. In due course it will go to the National Security Council and the President.

Mr. Coolidge, however, did make a most interesting speech to the members of the Harvard Club of Washington a couple of weeks ago, which I had the pleasure of attending. It seemed very probable to me from what he said that his report will be almost entirely negative. His talk placed almost exclusive emphasis on the agreements we have had with Russia which are in default and the dangers of our taking any lead whatsoever in the disarmament field. I fear that if the report, which I suspect reflects primarily the thinking of the Pentagon and AEC, receives the support of the Eisenhower administration, we shall find that, although it is our turn to speak, we shall not have spoken. We shall remain for the foreseeable future, as we are now, the only nuclear power in the world which has not made serious, detailed proposals for total and permanent controlled disarmament under the rule of law.

I am hopeful that Mr. Herter and his colleagues in the State Department will support the pending resolution. It is high time the United States resumed the world peace initiative which it originally took when the Baruch-Acheson-Lilienthal plan electrified the world 15 years ago. We should be the leaders, not the laggards in worldwide efforts to achieve world peace through world law in the limited field of war prevention.

Mr. President, I yield the floor.

PARLIAMENTARY INQUIRY REGARDING SENATE JOINT RESOLUTION 39

During the delivery of Mr. CLARK's remarks,

Mr. KEATING. Mr. President, will my friend yield for a parliamentary inquiry?

Mr. CLARK. I am happy to yield.

Mr. KEATING. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator will state it.

Mr. KEATING. Is the Kefauver joint resolution as originally introduced still open to amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND].

Mr. KEATING. Mr. President, after that is disposed of, will the original joint resolution relating to membership in the House of Representatives be open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. KEATING. I thank the Chair.

Mr. CLARK. Mr. President, I ask unanimous consent that the parliamentary inquiry of my friend from New York may be printed in the RECORD after the conclusion of my remarks.

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

PROTECTION OF VOTING RIGHTS

Mr. HART. Mr. President, after much apparent hesitation, Attorney General Rogers, presumably with the approval of the President, Vice President, and the administration, has finally announced a new plan to protect voting rights in this country. It calls for the appointment of referees by the Federal courts, referees who would be authorized to register citizens who had been denied the right to register and to insure that they are permitted to vote in any election. Its purpose is to strengthen the 1957 Civil Rights Act.

I want to make it clear, Mr. President, that I believe this plan has some merit. This should be said because there is naturally going to be a tendency to compare the features of the Attorney General's approach with the recommendation of the Civil Rights Commission calling for temporary Federal registrars; with bills which Senators HUMPHREY, JAVITS and MORSE have each introduced, to provide for temporary Federal registrars; with the proposal for a Congressional Elections Commission, which bill I submitted last August. The Rules Committee now is giving each of these measures careful study. The question before them, as I see it, is not one of choosing between three different plans. It is rather to devise a sound, workable plan, which might very well include the strong points of each of these approaches. Ninety-five years after Appomattox, it is clear that we need to find a way to guarantee every American citizen the right to vote without discrimination because of his race, color, or creed. For the record, Mr. President, I am submitting an outline comparison of the distinctive features of the bills introduced by the Senator from Minnesota [Mr. HUMPHREY], S. 2814, myself, S. 2535, and the Attorney General's proposal.

Mr. President, it seems to me the significance of Attorney General Rogers' proposal is not so much in the details of its procedure. It lies rather in the fact that the administration, at long last, is finally on record as endorsing the recommendation made last September by the Civil Rights Commission, which urges action by the Congress to strengthen voting procedures and to eliminate racial discrimination from their operation. In view of his obvious hesitations and misgivings about the weaknesses of the 1957 Civil Rights Act, he has initiated only four actions under it, I believe, the amazing thing is that it took him so long to make this new proposal. Now that we have the benefit of his experience available to us, I am certain that agreement among those interested in action on voting rights is possible. Senator HENNINGS, along with the sponsors of other approaches here in the Senate, and in the House, I am sure, will work with every diligence to bring a bill before the Congress which will be consistent with the objectives of all.

I want to make it clear, Mr. President, that I will support every reasonable step taken in this direction. I would hope that every Member of this body will do the same, whether he sits on the right or the left side of the aisle—or in the chair you now occupy, Mr. President.

This is a national problem, not a regional or sectional one.

This is a moral question, not a matter of procedure.

This is a matter of free elections, not a matter of party bickering. Our right to leadership in the free world is involved. When February 15 arrives, I hope we will be prepared to meet the challenge.

For the record I submit an outline comparison of the distinctive features of the bills introduced by the Senator from Minnesota [Mr. HUMPHREY] and myself, along with the Attorney General's proposal, and ask that it be printed in the RECORD at this point as a part of my remarks:

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

	S. 2535 (Congressional Elections Commission)	S. 2814 (Federal registrars)	Jan. 26, 1960, Attorney General's draft (Federal court voting referees)
Branch of Government where basic responsibility lies.	Legislative (Congressional Elections Commission).	Executive (Civil Rights Commission and President).	Judicial (Attorney General and Federal courts).
Elections encompassed	U.S. Senators and Representatives	President, Vice President, Presidential electors, U.S. Senators, and Representatives.	All Federal, State, and local offices in any given election.
Qualification of voters to be followed by new officer or agency.	Same as State qualifications	Same	Same.
How long registration effective	At the discretion of Commission for elections held under its supervision.	2 years or less	Same as State law.
How is registration effected	Under rules of Commission or adopting State and local registrar's list as applicable for elections held by Commission.	By certification to proper State or local official by Federal registrar of his lists.	By certification issued under decree of Federal court naming each individual found qualified.
Who can register under this procedure	All persons qualified under State law in district or State where election held by Commission.	All persons in a district where Federal registrar is established who qualify under State law.	Persons who have established before court referee they in fact were prohibited in exercising right to vote and are duly certified to local and State election officials under court decree.
Who acts as registrar?	State and/or local officials or Federal official acting for Commissioner.	Federal employee or officer residing in State and within or near registration district.	Federal court-appointed referee following decree of court to issue certificate.
Who must initiate action?	Request from State officials, or determination by Commission that individuals in State or district likely to be denied the right to vote and have vote counted.	9 or more individuals from 1 registration district petitioning Civil Rights Commission who believe they have been denied right to register and vote.	Attorney General by bringing action under subsec. (c), sec. 131, Civil Rights Act of 1957; or following appointment of court referee, an individual who personally claims he has been denied right to register and vote.
What is the nature of determination to be made by court or agency to trigger machinery?	Individual likely to be denied right to vote in State or district.	Any petitioner denied right to register and vote solely because of race, color, religion, or national origin.	Court must find that a person has been deprived on account of race or color of right to register and vote, and that such deprivation is pursuant to an established pattern or practice.
Extent machinery and bills affect conduct of election.	May conduct complete election, with full powers to establish and operate election machinery.	Provides that each individual registered under provision shall have right to vote and have vote counted in elections for Federal offices.	Provides that holder of certificate issued under court decree shall vote and have vote counted, and referee and other court officer to attend and observe election and count ballots.
Sanctions	No need for sanctions or enforcement. Cases against Commission to be brought for declaratory or injunctive relief in Federal district court.	Enforced by appropriate civil and equitable remedies instituted in Federal district courts by Attorney General.	Contempt proceedings brought under provision of Civil Rights Act of 1957.

RECESS TO 11 A.M. TOMORROW

Mr. DIRKSEN. Mr. President, pursuant to the order previously entered, I move that the Senate now stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 28 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, January 29, 1960, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 28, 1960

The House met at 12 o'clock noon.

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

James 5: 16: *The effectual fervent prayer of a righteous man availeth much.*

God of all grace and goodness, may we begin this new day with a refreshed and renewed sense of Thy victorious and indwelling presence.

Whatever our personal needs and troubles may be wilt Thou surround and sustain us with the assurance of Thy gracious providence.

Grant that amid the pressures of our troubled days we may have within us that peace which the world can neither give nor take away.

Inspire us to break down the barriers which divide mankind by sharing our blessings with the poor and destitute and by giving comfort and cheer to those whose hearts are heavy and broken.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 694. An act to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems.

BIRTHDAY ANNIVERSARY OF PRESIDENT WILLIAM McKINLEY

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and that all Members have permission to extend their remarks in the RECORD on the life and accomplishments of William McKinley.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOW. Mr. Speaker, the Ohio delegation and the citizens of the 16th Congressional District appreciate the Speaker's recognizing the Representative from the 16th Congressional District at this time to speak in memory of a great American, a great President, and a great Member of this Congress. In the past, for many years, the Speaker recognized the Honorable Tom Jenkins of Ohio to make that presentation. Tom Jenkins has passed away; he is no longer with us. It is now my honor to offer this tribute to William McKinley.

Mr. Speaker, I thought I might do that this year in this form. I have in my hands some typewritten slips that were presented me by William Dornan, the postmaster of Canton. These are the original slips that were used by President Theodore Roosevelt at the dedication of the memorial in Canton, Ohio. On these slips there is this notation:

From these printed slips President Roosevelt delivered his address at the dedication of the McKinley Memorial on September 30, 1907.

Then there are the initials W. R. D. Those initials are of William Rufus Day who was Secretary of State under William McKinley and later a Justice of the Supreme Court.

I shall read this address at the dedication of the monument because I think it is apropos today. These are the words of Theodore Roosevelt:

We have gathered together today to pay our need of respect and affection to the memory of William McKinley, who as President won a place in the hearts of the American people such as but three or four of all the Presidents of this country have ever won. He was of singular uprightness and purity of character, alike in public and in private life; a citizen who loved peace, he did his duty faithfully and well for 4 years of war when the honor of the Nation called him to arms. As Congressman, as Governor of his State, and finally as President, he rose to the foremost place among our statesmen, reaching a position which would satisfy the keenest ambition; but he never lost that simple and thoughtful kindness toward every human being, great or small, lofty or humble, with whom he was brought in contact, which so endeared him to our people. He had to grapple with more serious and complex problems than any President since Lincoln, and yet, while meeting every demand of statesmanship, he continued to live a beautiful and touching family life, a life very healthy for this Nation to see in its foremost citizen; and now the woman who walked in the shadow ever after his death, the wife to whom his loss was a calamity more crushing than it could be to any other human being, lies beside him here in the same sepulcher.

There is a singular appropriateness in the inscription on his monument. Mr. Cortelyou, whose relations with him were of such close intimacy, gives me the following information about it: On the President's trip to the Pacific slope in the spring of 1901 President Wheeler, of the University of California, conferred the degree of LL.D. upon him in words so well chosen that they struck the fastidious taste of John Hay, then Secretary of State, who wrote and asked for a copy of them from President Wheeler. On the receipt of this copy he sent the following letter to President McKinley, a letter which now seems filled with a strange and unconscious prescience:

"DEAR MR. PRESIDENT: President Wheeler sent me the enclosed at my request. You will have the words in more permanent shape. They seem to be remarkably well chosen, and stately and dignified enough to serve—long hence, please God—as your epitaph.

"Yours, faithfully,

"JOHN HAY.

" 'UNIVERSITY OF CALIFORNIA,

" 'OFFICE OF THE PRESIDENT.

" 'By authority vested in me by the regents of the University of California, I confer the degree of Doctor of Laws upon William McKinley, President of the United States, a statesman singularly gifted to unite the discordant forces of the Government and mold the diverse purposes of men toward progressive and salutary action, a magistrate whose poise of judgment has been tested and vindicated in a succession of national emergencies; good citizen, brave soldier, wise executive, helper and leader of men, exemplar to his people of the virtues that build and conserve the State, society, and the home.

" 'BERKELEY, *May 15, 1901.*' "

It would be hard to imagine an epitaph which a good citizen would be more anxious to deserve or one which would more happily describe the qualities of that great and good citizen whose life we here commemorate. He possessed to a very extraordinary degree the gift of uniting discordant forces and securing from them a harmonious action which told for good government. From purposes not merely diverse, but bitterly conflicting, he was able to secure healthful action for the good of the State. In both poise and judgment he rose level to the several emergencies he had to meet as leader of the Nation, and like all men with the root of true greatness in them he grew to steadily larger stature under the stress of heavy responsibilities. He was a good citizen and a brave soldier, a Chief Executive whose wisdom entitled him to the trust which he received throughout the Nation. He was not only a leader of men but preeminently a helper of men; for one of his most marked traits was the intensely human quality of his wise and deep sympathy. Finally, he not merely preached, he was that most valuable of all citizens in a democracy like ours, a man who in the highest place served as an unconscious example to his people of the virtues that build and conserve alike our public life, and the foundation of all public life, the intimate life of the home.

Many lessons are taught us by his career, but none more valuable than the lesson of broad human sympathy for and among all of our citizens of all classes and creeds. No other President has ever more deserved to have his life work characterized in Lincoln's words as being carried on "with malice toward none, with charity toward all." As a boy he worked hard with his hands; he entered the Army as a private soldier; he knew poverty; he earned his own livelihood; and by his own exertions he finally rose to the position of a man of moderate means. Not merely was he in personal touch with farmer and town dweller, with capitalist and wageworker, but he felt an intimate understanding of each, and therefore an intimate sympathy with each; and his consistent effort was to try to judge all by the same standard and to treat all with the same justice. Arrogance toward the weak, and envious hatred of those well off, were equally abhorrent to his just and gentle soul.

Surely this attitude of his should be the attitude of all our people today. It would be a cruel disaster to this country to permit ourselves to adopt an attitude of hatred and envy toward success worthily won, toward wealth honestly acquired. Let us in this respect profit by the example of the Republics of this Western Hemisphere to the south of us. Some of these Republics have prospered greatly; but there are certain ones that have lagged far behind, that still continue in a condition of material poverty, of social and political unrest and confusion. Without exception the Republics of the former class are those in which honest industry has been assured of reward and protection; those where a cordial welcome has been extended to the kind of enterprise which benefits the whole country, while incidentally, as is right and proper, giving substantial rewards to those who manifest it. On the other hand, the poor and backward Republics, the Republics in which the lot of the average citizen is least desirable, and the lot of the laboring man worst of

all, are precisely those Republics in which industry has been killed because wealth exposed its owner to spoliation. To these communities foreign capital now rarely comes, because it has been found that as soon as capital is employed so as to give substantial remuneration to those supplying it, it excites ignorant envy and hostility, which result in such oppressive action, within or without the law, as sooner or later to work a virtual confiscation. Every manifestation of feeling of this kind in our civilization should be crushed at the outset by the weight of a sensible public opinion.

From the standpoint of our material prosperity there is only one other thing as important as the discouragement of a spirit of envy and hostility toward honest businessmen, toward honest men of means; this is the discouragement of dishonest businessmen, the war upon the chicanery and wrongdoing which are peculiarly repulsive, peculiarly noxious, when exhibited by men who have no excuse of want, of poverty, of ignorance, for their crimes. Men of means, and above all men of great wealth, can exist in safety under the peaceful protection of the state, only in orderly societies, where liberty manifests itself through and under the law. It is these men who, more than any others, should, in the interests of the class to which they belong, in the interests of their children and their children's children, seek in every way, but especially in the conduct of their lives, to insist upon and to build up respect for the law. It may not be true from the standpoint of some particular individual of this class, but in the long run it is preeminently true from the standpoint of the class as a whole, no less than of the country as a whole, that it is a veritable calamity to achieve a temporary triumph by violation or evasion of the law; and we are the best friends of the man of property, we show ourselves the stanchest upholders of the rights of property, when we set our faces like flint against those offenders who do wrong in order to acquire great wealth or who use this wealth as a help to wrongdoing.

Wrongdoing is confined to no class. Good and evil are to be found among both rich and poor, and in drawing the line among our fellows we must draw it on conduct and not on worldly possessions. In the abstract most of us will admit this. In the concrete we can act upon such doctrine only if we really have knowledge of and sympathy with one another. If both the wageworker and the capitalist are able to enter each into the other's life, to meet him so as to get into genuine sympathy with him, most of the misunderstanding between them will disappear and its place will be taken by a judgment broader, juster, more kindly, and more generous; for each will find in the other the same essential human attributes that exist in himself. It was President McKinley's peculiar glory that in actual practice he realized this as it is given to but few men to realize it; that his broad and deep sympathies made him feel a genuine sense of oneness with all his fellow Americans, whatever their station or work in life, so that to his soul they were all joined with him in a great brotherly democracy of the spirit. It is not given to many of us in our lives actually to realize this attitude to the extent that he did; but we can at least have it before us as the goal of our endeavor, and by so doing we shall pay honor better than in any other way to the memory of the dead President whose services in life we this day commemorate.

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

Mr. BOW. I yield to the gentleman from Ohio.

Mr. COOK. Mr. Speaker, I appreciate the courtesy of the gentleman from Ohio [Mr. Bow] in yielding me this time, to pay tribute to the late President William McKinley, a great Ohioan, whose birthday we celebrate today.

William McKinley was born in Niles, Trumbull County, Ohio, in 1843. He went to school in Ohio and attended Allegheny College in Pennsylvania with the ambition to later study law. McKinley joined the Army as a private and distinguished himself with his service in the Civil War. President Lincoln himself cited him for gallant and meritorious service and discharged him as a brevet major.

After the war, McKinley began his study of the law and was admitted to the bar in Warren, Ohio, which is in my congressional district, in March of 1867 and started his practice in the city of Canton, Ohio.

In 1869 McKinley was elected to his first political job as prosecuting attorney of Stark County, at the age of 26. In 1876 he was elected to the Congress of the United States. He served three consecutive terms and was elected to what he thought would be his fourth term in the Congress, but a contest was filed, and he did not serve the full term. Then Mr. McKinley was reelected after being out of Congress for one term and served three more terms, at which time he was defeated. However, he went on to be elected Governor of Ohio for two terms and elected twice to be the President of the United States. In his second term he was assassinated. The whole country mourned his death, and the example of his life was one which strengthened in his contemporaries an undying belief in American principles.

I join with my colleagues in the Ohio delegation in honoring this outstanding American.

Mr. BOW. Mr. Speaker, I appreciate the comments of the gentleman from Ohio [Mr. Cook].

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. BROWN of Ohio. Mr. Speaker, I regret I was a bit late in getting to the floor, but I do wish to join with the Representative from the 16th District of Ohio, which gave President McKinley to the country, in the tribute being paid to him on this, his natal anniversary. The people of Ohio are still proud of the great record that Mr. McKinley made not only in the Presidency but in this House of Representatives as well. When I was a very small boy, President McKinley was the first President of the United States I ever had the opportunity to see. I can still remember the kindly smile on his face and the little pat that he gave me on the shoulder at that time when I was about 3 or 4 years old. William McKinley will always live in the hearts not only of all Ohioans, but in the hearts of all the American people.

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

Mr. BOW. I yield.

Mr. HENDERSON. Mr. Speaker, I wish to join with the others in this body this afternoon in paying tribute to a great American, a great Ohioan and a great President. Those principles for which William McKinley stood and in which he believed are still basic principles of our country and will long endure and be a part of our great American heritage.

Mr. McCORMACK. Mr. Speaker, January 29 marks the 117th anniversary of the birth of William McKinley, the 25th President of the United States.

The future President was born in the little town of Niles, Ohio, the seventh of nine children of William and Nancy Allison McKinley. His parents were sturdy middle-class working people of Scottish, Irish, and English descent. He received his education in the public schools, in Poland Academy, and in Allegheny College, in Pennsylvania.

In June 1861, with a mother's blessing and a father's affectionate farewell, he enlisted as a private in the 23d Regiment of Ohio Volunteer Infantry. Four years later he was mustered out as a brevet major.

After the war he practiced law in Canton and began a career in public office which was to extend over a quarter of a century. During that period he served the people of his community, State, and Nation as prosecuting attorney, Member of Congress, Governor, and President. In the early part of 1898 the Nation was gripped by war hysteria. Until early April, McKinley firmly held his ground against the war party and shouldered full responsibility for his Cuban peace policy. But the futility of further negotiation was brought home to him and on April 11, in a message to Congress, he recommended forcible intervention.

On September 6, 1901, while holding a public reception at the Pan-American Exposition in Buffalo, he was struck down by an assassin's bullet. He was removed to the residence of the president of the exposition and died there 8 days later.

As a public speaker, McKinley had few equals. His personality was natural and free from artifice, gentle, and strong. Naturally kindly, he was a good conciliator. It is to this man, quiet, dignified, considerate of others, unwavering in integrity, unchanged by success, and humble before his God, that we pay tribute today.

THE LATE HONORABLE RALPH ASHLEY HORR, A FORMER REPRESENTATIVE FROM THE STATE OF WASHINGTON

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Speaker, it is my sad duty to notify the House of the death, on January 26, 1960, of Ralph Ashley Horr, a former Member who served as Republican Representative from the First Congressional District of the State of Washington in the 72d Congress from March 1, 1931, to March 3, 1933.

Mr. Horr was born in Saybrook, McLean County, Ill., on August 12, 1884. He attended the public schools and the University of Illinois at Urbana. In 1908 he moved to the State of Washington and settled in Seattle, where he was graduated from the Law Department of the University of Washington in 1911.

Following this he was admitted to the bar and commenced practice of law.

He was chief deputy county treasurer of King County in 1911 and 1912; graduate manager of athletics at the University of Washington, 1912 and 1913, served as chairman of the Republican county committee of King County and during the First World War served from August 21, 1918, as a lieutenant and battalion adjutant in the 26th Infantry Regiment with overseas service and was discharged March 18, 1920.

Mr. Horr was a prominent figure in Seattle legal and political circles until 1957 when he retired from law practice. However, he continued on as a precinct committeeman until the time of his death. Mr. Horr never ceased to have a deep interest in politics. Failing in his bid for reelection to the House, he ran unsuccessfully in 1936 for Governor of Washington.

Mr. Horr belonged to Delta Tau Delta and Phi Delta Phi fraternities and was active in the Masons, Elks, Moose, and Eagles.

Mr. Horr leaves his wife, Mrs. Lenora Horr, and a daughter. He also is survived by two sisters, a brother, and three grandchildren. I know that I speak for those Members of the House who served with Mr. Horr, now, of course, few in number, in expressing regret and extending deep sympathy to his family.

Funeral services will be held this coming Saturday in Seattle.

URGENT LEGISLATION BEFORE THE CONGRESS

Mr. DAVIS of Georgia. 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 Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, today we come to the end of the 4th week of this new session of Congress. We knew in advance this session would necessarily be shorter than the sessions of the last few years.

By custom and under House rules our legislative calendar is made up and presented by the majority floor leader. Each week of this new session the majority floor leader has announced there would be no Legislative Calendar but that the House would be called into session each day to give Members an opportunity to sign the civil rights discharge petition.

Our Government faces one of the most critical periods in its history. Our national debt stands at an alltime high—nearly $292 billion. Our annual interest rate has reached an alltime high—considerably more than $9 billion per year. Many of our leaders acknowledge we have lost ground in missile production.

At this time, when we need so much to be bending all our energies to the task of keeping our Government sound and solvent, and our Nation in its long recognized position of world leadership, we waste 4 weeks of precious time jumping through the hoop for such radical organizations as the ADA and the NAACP. It is a sad commentary indeed on American statesmanship.

I call the attention of the House to the fact that there have been pending in this body since last year resolutions announcing that it is the sense of the Congress that our national debt should be reduced annually by an amount not less than 1 percent of the total outstanding debt. I introduced one of such resolutions, it being House Concurrent Resolution 204.

I arise to protest the wasting of time which has been going on now since the beginning of this session. I urge that the time and efforts of the House be devoted to solving the real and genuine problems which confront us instead of pandering to minority pressure groups for political purposes.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the majority leader about the program for next week.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, on Monday there will be the call of the Consent Calendar and there will be seven bills under suspension of the rules:

H.R. 8318, exemption from tax of bicycle tires and tubes.

H.R. 5054, marking of imported articles and containers.

H.R. 1217, suspend duty on amorphous graphite.

H.R. 9464, qualifications, Chief and Deputy, Bureau of Ships of the Navy.

H.R. 9465, a bill relating to the loan of a naval vessel to China.

House Concurrent Resolution 459, a resolution relating to interpretation of treaties with reference to the Panama Canal.

On that I am informed a rollcall will be asked. The gentleman from Iowa [Mr. GROSS] told me over a week ago that he was going to ask for a rollcall vote on that and I have talked with members of the committee and chairman of the committee and they are going to ask for a rollcall on that also.

Then there is House Concurrent Resolution 465, relating to the desecration of places of worship and on that I am informed also a rollcall will be requested.

Then there is H.R. 5789, incorporating the Agriculutral Hall of Fame, if it is not passed on the Consent Calendar.

On Tuesday there will be the call of the Private Calendar.

If the Rules Committee reports out rules next week, several bills are in order. It all depends if the rules are reported out, of course. There is H.R. 3151 relating to withholding of city income taxes. I think that was up under suspension last year and did not get the necessary two-thirds vote.

Then there is H.R. 9662, certain technical changes in the 1954 Internal Revenue Code.

Then there is H.R. 8394, a bill relating to lightweight hogs.

The usual reservation that if any additional rules are granted in time, they will be called up.

Then there is the usual reservation that conference reports may be brought up at any time.

Any further program will be announced later.

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

Mr. HALLECK. I yield.

Mr HOEVEN. The majority leader made reference to a bill relating to production payments on hogs.

Mr. McCORMACK. That is a bill reported out of the Committee on Agriculture relating to lightweight hogs.

Mr. HOEVEN. There is no rule on the bill as yet.

Mr. McCORMACK. The gentleman will note that I said, "If a rule is reported."

Mr. HOEVEN. A rule should not be reported without most careful and exhaustive hearings.

Mr. McCORMACK. My friend will note that I said that if a rule is reported the bill will be up for consideration. I did not say it would be; it depends on whether a rule is reported, when and if.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next be dispensed with.

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

There was no objection.

NATIONAL JUNIOR ACHIEVEMENT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 81, proposing observance of week beginning January 31, 1960, as National Junior Achievement Week, and make the announcement that several Members of the House have introduced similar resolutions, including the gentleman from Illinois [Mr. COLLIER] and the gentleman from North Carolina [Mr. JONAS].

The Clerk read the resolution, as follows:

Whereas it was the initiative, the sense of individual dignity, and the determination to mold their own futures that motivated those who founded this Nation; and

Whereas Junior Achievement, Inc., through its learning-by-doing program, is inculcating those ideals in American youth by helping them to set up and operate their own small-scale business enterprises; and

Whereas their experience in running Junior Achievement companies will provide

these young people with a heightened understanding of the privileges and duties of citizenship and better prepare them to assume the responsibilities of community leadership; and

Whereas thousands of American businessmen voluntarily give unstintingly of their time, their counsel, and their experience for the benefit of the members of Junior Achievement; and

Whereas it is understood that the week beginning January 31, 1960, and ending February 6, 1960, will be observed as National Junior Achievement Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized and requested to issue a proclamation designating the week of January 31, 1960, through February 6, 1960, as National Junior Achievement Week and urging all citizens of our country to salute the activities of Junior Achievers and their volunteer adult advisers through appropriate ceremonies.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE WORLD COURT

Mr. ALFORD. 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 Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, it was shocking to realize that on yesterday two members of the Cabinet, the Secretary of State and the Attorney General of the United States, appeared before the Senate Foreign Relations Committee and advocated the enactment of legislation which would in effect impair the sovereignty of the United States. They recommended the passage of Senate Resolution 94, introduced by Senator HUMPHREY, which would strike out the words of the Connally amendment, "as determined by the United States." This action would seriously impair the sovereignty of our country by vesting potential power over purely domestic matters in an essentially foreign tribunal, two of whose members at the present time are representatives of Iron Curtain countries. Mr. Speaker, in all sincerity I respectfully ask of the Members of Congress or any loyal American how, in the name of all honesty and patriotism, we can take an oath under God to uphold the Constitution of the United States while at the same time advocating that the basic rights of American citizens be placed under the jurisdiction of a foreign court for possible determination.

The World Court, as it is commonly called, or the International Court of Justice, is the principal judicial organ of the United Nations and was created by the Charter of the United Nations and a statute annexed to and being a part of the Charter—article 92, Charter. These legal instruments have been approved by the U.S. Senate and executed as a treaty and, hence, is now supreme law of the land. All members of the United Nations are ipso facto parties to the statute and are bound by its provisions—article 93, Charter. In July 1945, after ratification of the U.N. Charter by the Senate, there was much pressure by the internationalists to get our Nation under the jurisdiction of the World Court. A resolution giving the consent of the U.S. Senate to our Government's acceptance of the World Court was introduced in November 1945 by Senator MORSE. A similar joint resolution was introduced in the House in December 1945 by Congressman Christian Herter, the present Secretary of State.

When the Morse resolution came to the floor of the Senate, an amendment consisting of six words was proposed by Senator Tom Connally, of Texas. These significant and meaningful words were "as determined by the United States." The Morse resolution with the Connally amendment was adopted in the Senate on August 2, 1946. The amended resolution provided the United States with the authority to determine which matters are within its own national jurisdiction.

There is much agitation by the internationalists today to repeal the Connally amendment. Such action would result in impairment of American sovereignty and could serve as a steppingstone to complete world government by those groups endeavoring to place our Nation under such alien control. For example if the Connally amendment is repealed, the World Court could decide that the U.S. immigration laws are international affairs and could, in effect, dictate American immigration policy. Also, surely all patriotic Americans can readily see that a motion to eliminate U.S. control of the Panama Canal would have little difficulty of approval.

Any resolution to repeal the Connally amendment must be defeated if the United States is to retain its sovereignty. How can any right thinking, intelligent, patriotic American justify exposing their country to the risk of being placed at the mercy of a foreign court. This, indeed, would be rule by man and not rule by law.

NAVY MUST STOP SUPPORTING ARAB BOYCOTT AGAINST ISRAEL

Mr. STRATTON. 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 New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, on December 18 last year the Navy issued an invitation over the signature of the Military Sea Transportation Service inviting charters for American-flag tankers to transport oil for naval purposes to and from critical areas of the Persian Gulf.

As you know, Arab nations in the Middle East have clamped an embargo on Israeli shipping and will not even service foreign ships which have at any time traded in Israeli ports.

One section of this Navy order stipulated that in the event any of its MSTS chartered vessels should be prevented from loading or discharging in any Arab port by local authorities because of the fact that that vessel had previously traded with Israel, then the charterer would have the option of canceling his Navy charter or substituting another vessel.

The practical effect of this instruction means that the Navy is tacitly going along with the Arab embargo against Israel, undertaken improperly and illegally and without basis in international law.

I believe it is highly improper that the Navy should take any action which, even indirectly, would have the effect of endorsing and carrying out any such illegal and outrageous policy, particularly when that policy is directed against a nation which this country helped to create, which wholeheartedly subscribes to and supports the same principles of freedom and democracy which our own country exemplifies, and which plays such an important role in the economic and military power of the free world in the critical area of the Middle East.

I have therefore today requested the Secretary of the Navy to withdraw this invitation No. 30 so that the Navy will play no further part in supporting this improper policy.

I am sure the Navy has no intention of discriminating against a country so closely allied to us in tradition and belief, and I am hopeful that the corrective action I have suggested will soon be taken.

LEGISLATION TO AUTHORIZE CONSTRUCTION OF AN OCEANGOING HYDROFOIL VESSEL

Mr. PELLY. 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 Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I am today introducing a bill to authorize the construction of an oceangoing hydrofoil vessel. The purpose of such a vessel, when constructed, would be to demonstrate the commercial application of this revolutionary type of seacraft.

The Federal Maritime Administration had been doing much research in this field and recently awarded a $1½ million contract for construction of a 100-foot, 80-ton, 60–80-knot model. My bill would authorize the Maritime Board to construct the first of a fleet of hydrofoil vessels to operate in domestic and foreign commerce, designed for open-ocean, all-weather service to tie in with conventional water surface vessels. Maritime officials visualize hydrofoil ships crossing the Atlantic in 36 hours. They say that a craft 250 feet long, of 500 tons, and capable of 80 knots would be commercially feasible and well suited for such a run as between Alaska and the Pacific coast ports. This newly developed type of fast vessel has a great potential for the Great Lakes and all coastal areas.

Take for example the Alaska situation. Passenger ships were discontinued on this run years ago. Operational costs made continued service economically impossible. But with the establishing through the use of hydrofoil crafts, an 8-hour daylight trip, in the opinion of the Maritime Administration engineers would be highly profitable. The cost of transportation could be greatly reduced in fact and a good return on the investment of capital realized by an operator.

Recently, there was speculation that the United States was behind Russia in the development of an atomic-powered hydrofoil. In talking with our engineers, however, I am told that we have developed a small compact gas engine which has a horsepower equal to that of the largest cargo ships and that present contemplated use makes utilization of nuclear propulsion impractical.

Mr. Speaker, I have every reason to believe that in the very near future this country will be utilizing the hydrofoil principle in small and large vessels and that the consideration and passage of my bill is needed to initiate a transition of equal significance as in the past occurred when shipping went from sail to steam. This legislation has great significance.

CIVIL RIGHTS LEGISLATION

Mr. LINDSAY. 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 New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, much debate has been heard already on the subject of civil rights legislation and the inability to get a bill on the floor. I have stated my position frequently that the civil rights bill should be brought to the floor. I have also stated that under the present appalling circumstances where the majority would rather play politics than bring the bill out, the shortest route now is the discharge petition. I signed the petition last session, having even then lost confidence in the majority leadership to control their own machinery. In the same context I have given intensive study to the report of the Commission on Civil Rights. The Commission undertook their task with great care and diligence and they have presented to the Congress certain findings of fact and recommendations. One of those findings of fact was that certain citizens are being deprived of the right to vote. There is ample evidence in the Commission record to support that conclusion. On the basis of those facts the Commission has recommended to the Congress that appropriate legislation be enacted to insure the right to vote to every citizen, regardless of race, color, religion, or national origin. I have also given intensive study to the recommendation on temporary Federal registrars and I am introducing a bill today to establish such a program. After examination of all possible remedies I am convinced that such a remedy will reap substantial gain in the solution of this deplorable problem uncovered by the Commission.

I shall also introduce today the proposal made by the Attorney General on which constitutes an alternate remedy for the correction of this problem. Dean Robert G. Storey, Vice Chairman of the Commission on Civil Rights, stated in his testimony last week before the Senate Committee on Rules and Administration the Commission fully recognized that other recommendations may be more meritorious. In my judgment the Congress should have before it the composite thinking of all who have dealt with this problem. Accordingly it is my desire to see that both measures come before our Judiciary Committee of which I am a member. I believe that careful analysis of these measures will provide the best possible remedy.

PROFESSOR GALBRAITH POINTS OUT WHAT CONGRESSIONAL DEMOCRATS CAN DO TO HELP THE TREASURY SELL LONG-TERM BONDS WITHOUT INCREASING THE 4¼-PERCENT RATE

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent 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.

Mr. PATMAN. Mr. Speaker, about a year ago the Congress asked the Joint Economic Committee to make a full investigation to get the answers to such questions as what to do about inflation, whether interest rates should be higher or lower, whether the interest rate ceiling on long-term Government bonds should be lifted, and so on.

The Commiittee spent about $200,000 on these questions, heard the best experts in the country, and did a great deal of hard work. And it got most of the answers. Certainly it got the answer to one question very clearly. The interest rate ceiling should not be lifted; interest rates are too high and should be brought down.

Furthermore, the committee recommended several things to be done promptly to help bring interest rates down. But it neglected to mention one thing which Congress can do, and the Democrats in Congress especially can do to help the Treasury sell long-term bonds under the present ceiling, simply with a flip of the wrist, a straightening of the spine, and a clear utterance that we intend to hold the line on interest rates.

A CLEAR INTENTION TO HOLD THE LINE ON INTEREST RATES WILL HELP AS MUCH AS RAISING INTEREST RATES

Writing in Harper's magazine this month on the recommendations of the Cabinet Committee on Price Stability for Economic Growth, which is headed by Vice President NIXON, Professor Galbraith has this to say:

> Mr. NIXON believes higher rates would help sell the longer maturities. My own view is that a clear intention to hold rates stable would do as much.

On this I fully agree with Professor Galbraith. If the Congress wants to help the Treasury sell longer maturities, it can give just as much help by making it clear that we do not intend to tamper with the interest-rate ceiling, as we can by repealing the interest-rate ceiling. I might add that there is a considerable body of opinion within the financial circles which support this view.

FINANCIAL WRITER SAYS INVESTING COMMUNITY IS HOLDING BACK, EXPECTING HIGHER RATES

For example, Mr. Donald I. Rogers, who is business and financial editor of the New York Herald Tribune, wrote on January 15 of this year on the question of why the stock market broke in the previous week. Much of the opinion in Wall Street, he reported, was to the effect that "the entire investing community" was holding back, waiting for an increase in interest rates. It had been widely predicted that the Federal Reserve was about to raise the discount rate, which is the Federal Reserve's normal way of signaling the financial community that higher interest rates are coming. Speaking of some of the opinions prevailing in Wall Street, Mr. Rogers said:

> From those who are prone to theorize at the drop of a point on the Dow-Jones average, you get the idea that the entire investing community is holding back, waiting for an increase in the discount rate, something which was predicted for this week.

The Federal Reserve did not make the increase in the discount rate on the date that was generally predicted, but the financial journals are still reporting it is likely to come yet. Mr. Rogers said further:

> The rate may still be raised.
>
> Another theory one hears is that the institutional investors, the pension funds and investment trusts, and other big accounts are holding back to see what happens in the next few days.

AN INVESTMENT BANKER SAYS RAISING INTEREST RATES CUTS GOVERNMENT BOND SALES

The clearest statement of the effect of this dilly-dallying over interest rates and constantly raising interest rates was made by a man who is actually in the investment banking business, in a letter which I put into the RECORD last June 12. This investment banker wrote me that he was flatly opposed to raising the 4½-percent ceiling on Government bonds for the simple reason that the Government's practice of continually cutting the price, as it were, of each successive bond issue was making it harder and harder for him to sell bonds. And that is his livelihood—selling bonds. He wrote:

> JUNE 9, 1959.
>
> We in the investment banking industry are extremely alarmed at the mechanical procedures currently employed by the Federal Government in the marketing of U.S. Government bonds and obligations.
>
> This morning in the newspaper a rather sensational news release reported that the Federal Government was in the process of not only raising its gross bonded debt limit

but was also actively engaged in raising the maximum interest rate which Government bonds might bear. This Government policy of continually cutting the price is as serious a financial problem as the commodity storage problems and all other fiscal problems.

* * * * *

As an example, if the Federal Government was interested in selling wheelbarrows and continually stated that while it was selling wheelbarrows today for $100, it would be selling the same wheelbarrow 3 months from now at $80, I believe it would be obvious that no one would buy at today's price. Everyone would wait until the 3 months had expired and buy at a reduced price. The bond sales procedures are doing exactly the same thing. The Government is advising that while today's bonds carry a 4-percent interest rate that tomorrow's bonds will carry 4¼ percent or higher. We employ a most amateurish procedure in continuously cutting the price in an attempt to sell our product.

So if a distinguished Harvard economist is right, if the investment bankers are right, and if a Wall Street reporter is right, then it follows that the Democrats in Congress are unwittingly doing the country a positive harm by shilly-shallying and sitting on the fence about whether we are going to scrap our party traditions and join the Republicans on the side of high interest.

A few clear and certain statements from the Democratic leaders that we are not about to tamper with Woodrow Wilson's interest rate ceiling—either to repeal it or jimmy it with some face-saving compromise—would definitely take the speculative winds out of interest rates and start them downward. This would help the Treasury sell longer term maturities—if it actually wants to sell such maturities—under the present interest ceiling, by putting an end to the expectation of the financial community that by holding back their funds for a week or so they will get a bigger bonus. Certainly we cannot blame the people in the financial community for holding back under the circumstances. No man in his right mind would want to pay $1,000 for a Government bond today expecting that Congress is going to take an action tomorrow that will cause the price of that bond to drop to $900.

Yet, just think of it, now we are being told that if we will take the ceiling off interest rates, interest rates will come down, by which logic the States and municipalities should all repeal their speed laws so as to make traffic go slower.

Then why do we shilly-shally and make fence-straddling statements which suggest one day that we are going to resist and suggest the next day that we are going to give in after all. Certainly the issue is clear enough. It was very clearly stated by the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], in his remarks in the House last September 14 when he said:

THE ISSUE IN A NUTSHELL: TO APPROVE A BAD POLICY TO HELP THE FEW AT THE EXPENSE OF THE MANY

The issue then is this: If we remove the marketable bond interest-rate ceiling now, we in effect tell the administration that we approve of their tight money—loose fiscal policy mix. We do not approve it.

No; we did not approve of the administration's tight money, high interest, and loose fiscal policies last fall, and we do not approve of them now. The investigation report of the Joint Economic Committee certainly found every factual and logical reason for disapproving these policies and for putting a quick stamp of disapproval on these policies.

Professor Galbraith, in the Harper's article I mentioned, has summed up the effect and the intellectual content of these policies very neatly and simply. If anyone still has any doubt whether the high interest policy is good for the country, I recommend he read Professor Galbraith's article. I will put it in the RECORD at the close of my remarks.

Professor Galbraith's article analyzes Vice President NIXON's recommended policies for dealing with inflation, unemployment, economic growth, and so on. But these are not personal policies; they are precisely the same policies which the administration has been following all along. Professor Galbraith's analysis is, therefore, an analysis of a policy of government. It is an analysis of a whole cult, if not a culture.

We could change the stage sets and find any number of high dignitaries of Government playing the same role and giving the same performance in the same play. If we changed the backdrop from Mr. NIXON's office over to the marble halls of the Federal Reserve Board and added a few character lines such as "We cannot put our hand in the fire without getting burned," then we would find Mr. William McChesney Martin playing the same role in the same play. No matter who may be playing the leading role at the moment, it is always the same play. It begins with a grave announcement that the hour of crisis is at hand and one of the pivotal decisions of history must be made. Then follows the same comedy routine, with the same jugglers, the same talking-dog act, and finally the same huckster selling for 25 cents boxes of popcorn, every one of which is absolutely and unconditionally guaranteed to contain a prize worth $1.

The article from Harper's magazine follows:

MR. NIXON'S REMEDY FOR INFLATION
(By John Kenneth Galbraith)

A persistent and serious problem facing the United States is that of inflation. And a determined and serious aspirant for the office of President is RICHARD M. NIXON. In the nature of the case, our knowledge of how presidential candidates will handle important questions, if elected, is almost entirely conjectural. We are reduced to comparing promises.

Mr. NIXON is one of the rare exceptions. For the past year, he has been serving as Chairman of the Cabinet Committee on Price Stability for Economic Growth—which at this writing has issued three reports. Thus we are able to take Mr. NIXON's measure on a matter of great and nearly universal concern.

In contrast with his early wartime service with the Office of Price Administration, then under Leon Henderson (of which he has never made a strong point), Mr. NIXON has recently sought actively to identify himself with the problem of inflation control. A high-level committee that would deal effectively with inflation—meaning continuing increases in prices—was promised by President Eisenhower in his 1959 State of the Union message. A few days later, Edwin L. Dale, Jr., wrote in the New York Times that Mr. NIXON was a candidate for the post of chairman and that his supporters felt that "a precise, and publicly known, administrative role would help his chances for the Presidency in 1960." When his appointment was announced on February 1, the Times observed that this was "the closest he has come to formal executive power."

Having welcomed the responsibility, Mr. NIXON cannot but welcome a scrutiny of the way he has handled it. It would be best, no doubt, if this could be undertaken by a neutral and nonpartisan observer. It has been noted, however, that where Mr. NIXON is concerned, the supply of neutrals is limited. And he himself has spoken out against the morality of such a posture on great questions.

But most important, these are matters on which, once presented, the reader can pass judgment for himself and thus correct for the bias from which so few of us are free.

The Cabinet Committee consists (in addition to the Chairman) of the Secretaries of the Treasury, Agriculture, Labor, and Commerce, the Chairman of the Council of Economic Advisers, and (rather unexpectedly) the Postmaster General. The executive vice chairman is Mr. W. Allen Wallis who is on leave from his post as dean of the Graduate School of Business of the University of Chicago. Mr. Wallis' reputation among economists is that of a conservative with a predilection for scientific exactitude. In a personality sketch published at the time of the second report, the Times described him as sharing with Mr. NIXON "the sort of intellectual companionship that enables each to sense the mental processes of the other."

The first report, according to the newspapers, was drafted by Mr. NIXON, then revised by Mr. Wallis presumably for perfection of technical and scientific content, and then cleared by him with the other members. We may safely assume that the dominant role and responsibility was Mr. NIXON'S, subject to the technical and professional guidance of Mr. Wallis.

The first report—it was described as an interim report—was released on June 29. Much the most comprehensive of the three, it is a survey of the whole problem of inflation and its control. It isolates the causes of inflation, deals with its consequences, and prescribes remedies.

It is an exceedingly grave document—at times alarming. "It is the unanimous opinion of the Cabinet Committee on Price Stability for Economic Growth that our economy is now at a critical juncture urgently requiring action to forestall inflation and insure sound and sustained economic growth and progress." After citing the evidence for this condition of crisis, Mr. NIXON and his colleagues continue: "We are confronted, in summary, with overwhelming evidence that we have arrived at a time of decision as to the future course of our economy. * * * We face a serious threat, price increases which not only would be directly harmful to American families but would seriously endanger the healthy prosperity now developing." These are strong words. No man and no group had better opportunity to be informed. We owe it both to Mr. NIXON and to ourselves, therefore, to take them seriously.

Turning to the causes of this unhappy state of affairs, Mr. NIXON blamed the same forces that had been cited by President Eisenhower in his state of the Union message, (1) the pressure for more public spending, and (2) the implacable upward pressure of wages on prices. He drew attention both to the pressure on Congress for higher outlays and the strong tendencies toward increased spending by State, county, and local governments. Speaking of the inflationary

effect of wages, he noted that recent settlements had advanced wages substantially, and that pending or prospective settlements in many industries, including steel, could result in wage increases of such magnitude as to lead to price increases.

After this diagnosis, Mr. NIXON turns to those who condone inflation. He sets himself uncompromisingly against them. Inflation is not harmless; it does not promote economic growth; it is not inevitable. It does inflict hardships on families with fixed incomes; it damages average and below-average families more than the well-to-do; it breaks faith with those who have saved and put their money in Government bonds, retirement funds, and like forms of saving. While resistance to inflation is bound to cause temporary inconvenience to some, price stability will powerfully promote the welfare of all.

All but overt inflationists, of whom there are few, will agree that this is admirable. The danger is flatly faced. It is immediate and grave. There can be no retreat, no compromise. The war on inflation has its costs; these will be accepted in the interests of the overall good.

At every point Mr. NIXON is firm and decisive.

THE UNTOUCHABLES

Although inflation has never been condemned in more forthright phrases, such attacks—to speak rather formally—must be viewed in their historical context. Specifically, statesmen have been denouncing inflation for some centuries. Often that has been all. Sometimes defiant speech has appeared to be a substitute for deficient will. As a result, on this, as on few matters of social policy, the public has developed the habit of looking on from the words, however compelling to the action.

Having attacked inflation, Mr. NIXON moves on to the action, but many will think with a loss of power.

He begins on a discouragingly negative note. In fighting inflation, it is most important that we do not use the wrong weapons. Price and wage control, in particular, are more harmful than peacetime inflation. While his condemnation of controls is as eloquent as his attack on inflation—and of comparable length—the core of his argument is in a few words:

"Differences in prices reflect the priorities attached by consumers to different products; they therefore guide productive efforts * * * [they also show] the scarcities of different raw materials, machines, and personal skills * * * If prices are regulated, they cannot reflect accurately relative priorities of various goods and services * * * or the relative scarcities of the various means of producing goods and services. * * * The result * * * waste, inefficiency, slowing down of progress."

This is a heavy indictment. However, it raises some difficult questions—apart from the purely tactical one of whether it is wise to rally the forces to the ramparts and then read them a lecture on the weapons they must not use. If wages and prices are untouchable, then nothing directly can be done about the wage-price spiral which both the President and Mr. NIXON hold to be a cause of inflation. And unless some substitute action can be effective, then inflation won't be controlled.

Comprehensive wage and price controls are not now an issue. Neither Mr. NIXON nor his colleagues can imagine that there is the slightest chance of Congress soon enacting them. But some system of formal or informal restraint on wages and prices in key industries is a possibility—President Eisenhower has accepted the need in principle by pleading repeatedly for voluntary restraint in price and wage setting. But if such restraint worked, it would, like any effective regulation, keep prices from reflecting "relative priorities" or "relative scarcities." So even this would be banned by Mr. NIXON's reasoning. If only unregulated prices tell what consumers most want, or what most needs to be produced, then any interference, even effective voluntary restraint, will obviously impair this vital function.

However, it will surely be evident that Mr. NIXON has involved himself here in an unfortunate logical contradiction. (One perhaps from which his scientific and technical adviser should have saved him.) For he had already blamed the high prices of many important products on the wage demands of the unions, and the resulting price increases. If prices reflect the power or avarice of the unions, as Mr. NIXON says, then they do not reflect the priority attached to products by consumers or their relative scarcity. (The report attributes more responsibility to the unions, and less to the corporations, than I would, but that is another matter.) If steel is high because of the union, then it isn't high because of preference or scarcity as compared with aluminum.

Moreover, if prices reflect the power of the unions and the compensating action of the corporations, then Government intervention does not have the damaging consequences that Mr. NIXON and his colleagues condemn. For then such intervention doesn't interfere with the reading of priorities and scarcities—the unions and the corporations have already spoiled that. What intervention does is substitute public regulation for what Mr. NIXON and his associates have condemned as bad private control by unions and companies.

In brief, Mr. NIXON condemns public interference on grounds which assume there is no private manipulation of prices—but only after he has attacked private manipulation of prices as inflationary. This is hardly logical. And illogic apart, having conceded the importance of wage-price movements as a cause of inflation and having ruled out direct restraint, Mr. NIXON and his colleagues must then find indirect measures that will restrain the power of unions and corporations to raise prices. If they do not, this cause of inflation will persist. So will inflation.

One indirect but rather formidable remedy for wage-price inflation is hinted at by Mr. NIXON. This is to break the power of the unions and dismember the large corporations so that they would not have power to influence prices. At some time in the future, he promises to "examine and report on the extent to which concentrations of power in labor and business contribute to inflation or impede economic progress."

If something easy could be done on these lines to stop inflation, it would have been done long ago. When unable to think of anything else, liberals automatically condemn concentrations of economic power and call for more energetic enforcement of the antitrust laws. As a remedy for inflation, it is rather less practical than incantation which, indeed, it closely resembles. Possibly Mr. NIXON is thinking of legislation directly designed to break up unions and large corporations. But he hasn't said so, and it would be unfair to impute to him so drastic and unrealistic a program. There isn't anything else.

THREE REMEDIES

Now come the recommendations. And these are the real test of Mr. NIXON's mettle. Those who are victimized by rising prices in the manner he has so vividly portrayed will not expect this shrewd and experienced public man to trifle with their troubles.

Unfortunately, when it comes to specific remedies, Mr. NIXON suffers a further and very severe loss of altitude.

He offers three. The first—a marked curiosity—had previously been mooted by the Council of Economic Advisers and proposed by the President. Now Mr. NIXON urges it as a matter of highest priority. It is simply that Congress resolve against inflation and declare it an undesirable thing. Reasonable price stability would be made a specific goal of Federal policy. Such price stability—the protection of the purchasing power of the dollar—has been a goal of Federal policy for generations. It has been proclaimed repeatedly and with passion. The new resolution could not add much even in passion. It would give the administration no power it does not now possess to fight inflation. It would remove no obstacles.

Some have suggested that Mr. NIXON was showing an interesting sense of novelty in seeking to bring the technique of the Formosa resolution to bear on domestic economic policy. Instead of passing resolutions to warn the Red Chinese, we do so to intimidate the forces of inflation. This originality seems to be the maximum claim.

Mr. NIXON's second inflation remedy is curtailed Government spending and the balancing of the Federal budget. Even higher taxes, he sees as an inflationary force.

This familiar recommendation runs into the familiar problem that some of the things for which higher expenditures have been sought—schools, housing, defense, law enforcement, conservation—are rather urgent. To this Mr. NIXON is indifferent. He describes the pressures for increased spending as irresponsible. Moreover, there is no economic sanction for his view that higher outlays, if covered with some margin by higher taxes, are inflationary.

More important still, while a budget deficit when the economy is operating at capacity can certainly be a cause of inflation, to balance the budget does not cure the inflation. That is because balancing the budget will not arrest the wage-price spiral. Mr. NIXON, though he blames the spiral, makes no claim that budget-balancing would stop it.

Mr. NIXON's third recommendation, urged at considerable length, is that the Treasury be given authority to raise the rate of interest on longer-term Government bonds. This would enable these securities better to compete with issues of shorter maturity. The latter are described as practically the equivalent to money, and the Government's just cranking up the printing presses and rolling out the greenbacks.

In passing, it should be observed that Mr. NIXON is here being extremely critical of Treasury debt management by his own colleagues. Long before the limit on the interest rate on long-term issues became operative, the Treasury was making increased use of shorter-term issues. As a result, the average length of the maturity of the securities outstanding has been reduced substantially since 1953.

However, Mr. NIXON is also greatly overstating his case. Short-term Government paper can be turned into cash if there is good reason for doing so. But the same is true, in degree, of any other asset. And one thing that may cause people to prefer cash is the expectation of higher interest rates—the very thing Mr. NIXON is urging. That is because higher interest rates bring a decline in the capital value of the bond or other asset. If such a decline is in prospect, some will try to sell first—which then brings down the price of the asset. One of the reasons the Treasury has had difficulty selling longer term bonds is that the expectation of higher interest rates has made them a rather speculative item.

Mr. NIXON believes higher rates would help sell the longer maturities. My own view is that a clear intention to hold rates stable would do as much. But such differences of opinion are perhaps unavoidable. The important thing is that they be debated with reasonableness and restraint and without exaggeration. What is less open to debate is the effect of all this on inflation.

Higher rates on long-term Government bonds might help pave the way for a general tightening of the supply of loanable funds and of interest rates. This would mean a general curtailment of the demand for goods and services. If this curtailment were sufficiently severe, price increases would be arrested. But this, precisely, is the policy that has been employed ever since 1953. If it had worked—if it had reconciled full employment, expansion, and price stability—Mr. NIXON'S committee would never have been necessary. But we learned during the period—although the lesson is still being debated—that an active monetary policy, as it is called, gets price stability only at the cost of interrupted growth and recurrent recession. This was how we got price stability in 1954 and again in 1958.

For the rest of the time, most prices kept inching up. This was especially true of industrial prices where wage-price pressures operate. To keep unions and companies in, say, the steel or automobile industries from putting up wages and prices, a recession has to be pretty severe. The cure—unemployment, accumulating inventories, interrupted expansion—has no distinct advantages over the disease.

DO-IT-YOURSELF POLICY

These are Mr. NIXON'S remedies—a congressional vote of censure on inflation; a warning against spending, with public need regarded as irrelevant; and an increase in interest rates, that, at most, represents a continuation of the policy that he was asked to improve.

None of these measures touches the wage-price spiral. On that, Mr. NIXON confines himself to explaining what should not be done. Perhaps the most damaging reflection on his judgment is the satisfaction he shows with his prescription: "The * * * three steps are direct defenses against the present danger of excessive price rises." They are his response to overwhelming evidence that we have arrived at a time of decision.

This was Mr. NIXON'S first report. The first of a series of further reports was released by the White House on August 17. These offered a chance for Mr. NIXON to retrieve altitude that had been lost in the earlier document.

Alas, this chance was missed. At the outset, in a memorable example of Federal prose, the August 17 report describes itself as one of several dealing with building-block questions from which can be constructed answers to broader public questions. This, if it can be translated, would seem to mean that Mr. NIXON was putting anti-inflation policy on a do-it-yourself basis. This turns out to be the case.

"Thoughtful citizens," the report declares with an air conveying information, "are concerned increasingly with such questions as: Are continual price increases inevitable? If not, how can the general level of prices be stabilized?" The report then asks its principal question: "What do we really want from our economy?" One answer to this question, the reader will learn with manageable excitement, is reasonable stability of prices. Thus equipped with building blocks, the reader then goes on to construct his answers to the broader public questions.

Other building-block questions and answers follow the same technique of supplying the reader with knowledge that he already possesses while avoiding answers he might find useful. It tells of the merits of an expanding economy, but postpones mention of how such growth can be insured. Then, perhaps sensing some public anxiety on the matter, Mr. NIXON explains that "our economy has grown since the founding of the Republic because we have had faith in ourselves, because we have developed institutions that reward enterprise and efficiency, and because we have believed in progress sufficiently to put aside enough [savings] from current income." He also explains the advantages of maximum employment opportunity although without adding greatly to the information available to an unemployed man. "Much unemployment * * * involves the hardships and lack of opportunity that we all associate with the word 'unemployment'," but if a man can get a job promptly, it isn't so bad.

Then Mr. NIXON returns to inflation. His denunciation is now even more severe than in his first report, and several new evils—encouragement to speculation, distortion of business accounting, damage to our ability to compete in foreign markets—are added. He tells us again that "Resistance to rises in the general price level is bound to cause temporary inconvenience to some and to limit the gains of others, but * * * will powerfully promote the welfare of all." But this time there is no indication how this resistance movement is to be launched. Not even his first three recommendations are repeated. Possibly he did not think very much of them either.

When this report was issued, an administration spokesman said (one imagines with Mr. NIXON'S blessing) that it was now believed that the battle against inflation was being won. Expansion would henceforth be emphasized. Officials were now "reasonably optimistic that the line would be held on the general price level." This was not quite 7 weeks after Mr. NIXON had cited "overwhelming evidence that we have arrived at a time of decision as to the future course of our economy." The decision hadn't been taken.

Perhaps it should have been. On August 22, 5 days after the second report, the Department of Labor announced that the Consumer Price Index had risen again for the fourth consecutive month and to an all-time high. All component groups went up.

CLEARER ANYWAY

On October 25, Mr. NIXON released his third report, "Managing Our Money, Our Budget, and Our Debt." During the preceding week, the Bureau of Labor Statistics announced that the cost of living had gone on to another all-time high. The steel strike, in which the issue was the effect of wages on inflation, had passed its 100th day.

This is a better written report than those that preceded it, and Mr. NIXON evidently had thought better about those building blocks. But the clarity revealed a barrenness matching and possibly exceeding that of its predecessors. Recessions or depressions—periodic interruptions in growth—are accepted as a necessity of our life. The government should follow a passive fiscal role. Tax yields will fall during recession and some expenditures—unemployment compensation, for example—will automatically rise. These automatic stabilizers are to be welcomed. But Mr. NIXON is opposed to affirmative action to offset recession or depression by increasing public outlays or reducing taxes. The extra spending effect might come, or it might be allowed to persist, after the recession had passed. This danger is worse than the recession. (The earlier Eisenhower policy under Arthur F. Burns was, incidentally, much more liberal. Then the policy of using the budget, including a reserve of useful expenditures, as a positive instrument for fighting depression was repeatedly affirmed.)

The rest of the report contains nothing new, and nothing old that bears usefully on the problem of inflation. Mr. NIXON repeats that monetary policy, specifically a tight money policy when required, is useful for attacking inflation but he also adds that it has serious shortcomings. This is not news since, as noted, it was these shortcomings which led to his appointment in the first place.

He makes no suggestion as to how the shortcomings can be overcome except to follow the budget policy just mentioned and to remove the ceiling on the interest rate on government bonds. Monetary policy, it should be observed, did not prevent inflation in the years before that ceiling became operative. Mr. NIXON argues once more that to lift the ceiling will have the effect of locking people and financial institutions into their holdings of long-term bonds. In future periods of tight money, interest rates will rise, the capital value of the bonds will fall, and then the bonds cannot be sold except at a capital loss. He still does not consider that, given fluctuating interest rates, people will see the possibility of such mousetrapping and be reluctant to buy the bonds in the first place.

There is no more.

The judgment to be rendered would seem to me clear. Mr. NIXON has done nothing. Nor in seeking to persuade us that he has done something does he show a high regard for our intelligence. For anyone who respects his fellow citizens could hardly expect them to buy this blend of nothingness. Perhaps it will be said in Mr. NIXON'S behalf—as so often before—that this is a subject on which he has not yet matured. So it may be. But even his friends will be forced to agree that this failure is the most mature example of such immaturity.

Let me add, also, that the finding of failure is my own judgment. Economics is an imperfect science. Anyone who claims that his economic judgments are emotionally detached, politically impartial and otherwise objective is himself suspect. But I would strongly urge anyone who disagrees with the present judgment of Mr. NIXON'S reports, or even suspects that he might, to get them from the White House and read them thoughtfully and with care.

INADEQUATE PERSONAL EXEMPTIONS FOR LOW INCOME RECIPIENTS

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. ADDONIZIO] is recognized for 10 minutes.

Mr. ADDONIZIO. Mr. Speaker, everyone is well aware of the heavy tax burden in the United States. Yet, the average income earner usually has enough money left over after taxes to purchase a few luxuries, as well as convenient and expensive household appliances. Even most of the individuals earning less than average incomes can afford some of the comforts of life in addition to bare necessities. This is made possible largely as a result of the personal exemptions that are allowed under the Federal individual income tax. The personal exemption allows an individual to earn at least a certain amount of income before an income tax is applied. Thus, the personal exemption has become important for low-income recipients. I may add that in my opinion the exemption is inadequate and should be raised to at least $800 and preferably $1,000.

However, in the case of a family that is burdened by heavy expenses beyond their control, as well as having a low or average income, the existing personal exemption is so unrealistic as to work a real hardship. This was recognized when Congress provided an additional exemption of $600 for the blind and the aged. The Congress has failed, however, in providing this tax benefit to one similarly situated group which also needs some special tax relief. These are the

physically handicapped. Most of the individuals in this group are certainly limited in their earning capacity. They also must incur large unusual expenses in connection with or as a result of a disability. In fact, a handicapped employee may very often have to incur heavier medical and other expenses as a result of his handicap than an older person who is over 65 and who works beside him. Yet the older person gets an additional personal exemption—a total of $1,200—for himself, but the handicapped person is allowed an exemption of only $600.

Equity and human consideration require that the additional personal exemption, which has been so wisely provided by legislation to the blind and aged, should be granted also to the handicapped. Furthermore, I believe that if the handicapped individual is supported by his parent, the additional exemption should be available to the parent.

It certainly does not require much imagination to realize that the physically handicapped are limited greatly in their earning power. A disabled person may often have to undergo long periods of rehabilitation during which time he earns little or no income. Quite often prejudice and discrimination prevent the handicapped from finding suitable employment. In many cases they are considered for employment only after the physically more able are placed; then they are laid off more readily than the person not handicapped. As a result, handicapped persons usually suffer longer periods of unemployment than the average worker.

Many of the individuals who have had moderate incomes before their disability will no longer be able to perform the same duties when handicapped. In many cases this means a shift to a job or occupation for which the person has had no previous experience. The scale of pay will very often be substantially lower.

As I indicated above, the handicapped worker not only is severely limited in his earning power, but must incur heavy extraordinary expenditures as a result of his handicap. In many cases, the individual must purchase various devices such as braces, wheelchairs, and so forth, to help him move from one place to another. These aids are quite expensive. I understand, for example, an artificial arm or leg costs from $300 to $600. An orthopedic support may cost from $75 to $225. Orthopedic shoes range from $65 to $175 with additional initial costs for lasts and rubbers to protect the special shoes. A wheelchair may be priced from $100 to $450, with $200 as the average for a paraplegic. Moreover, the original cost of special devices is not the end of these additional costs. The equipment must undergo regular repair and eventual replacement.

Braces, crutches, and prosthetic devices cause unusual wear and tear on the clothing. Thus, clothing must frequently be provided with costly extra lining or may have to be tailor made.

For the handicapped worker, the form of transportation to and from work is of a costly nature. Whereas a healthy individual can commute to and from work by public transportation for a relatively low cost, the handicapped employee must often travel by taxicab or a specially equipped automobile. Even if the taxpayer is in a low-income group he must usually obtain all the power equipment such as automatic transmission, power steering, power brakes, and other special equipment that he would not otherwise obtain. In fact, he might not have even purchased an automobile at all at his level of income.

Other extraordinary costs of a handicapped person might include that of remodeling his home, such as providing ramps or larger and more accessible doorways or archways. The individual may have to hire extra assistance or attendance to care for him. Also, various types of insurance may carry higher premiums.

It would be difficult for me to see any justification in allowing the present special tax benefits to the well-to-do and prosperous businesses at a cost of billions of dollars of revenue annually at the same time that we deny the handicapped an additional personal exemption. For most of the handicapped taxpayers or the parents supporting them, the additional personal exemption would amount to a tax saving of only about $120 annually. Compare this, for example, to the substantial tax savings reaped by some oil tycoons as a result of the percentage depletion allowance. Or make a comparison with the substantial savings a financier gets when he pays tax on capital gains at a rate of 25 percent instead of 91 percent. Another such special benefit is the dividend tax credit. In 1957, the latest year for which data are available, the 207 taxpayers with incomes over $1 million reported a total of dividend tax credits of over $8 million. This represents an average tax saving of about $40,000 for each of these taxpayers. Although there are other special benefits which I could point to in the tax structure that give far more substantial benefits than the $120 or so tax saving from a $600 personal exemption to the handicapped persons, I shall mention only one more. That is the use of expense accounts to reduce the taxpayer's Federal income tax. It has been conservatively estimated that these expense deductions amount to between $5 billion and $10 billion annually. They reduce revenues from $1 billion to $2 billion annually. How can it be just or equitable for individuals on expense accounts to fill the plush restaurants, night clubs, and country clubs and other expensive places of entertainment and get a tax deduction for their expenses, and at the same time deny the poor, struggling handicapped worker, or the person who supports this disabled person, some small consideration as I have proposed today? To do so would be highly inequitable and not in accord with the American way of life. Therefore, let us not delay action any longer in getting our tax laws amended so as to provide additional personal exemptions for handicapped income earners, as well as for parents who must support handicapped individuals.

IN DEFENSE OF AMERICAN INDUSTRY

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. VAN ZANDT] is recognized for 10 minutes.

Mr. VAN ZANDT. Mr. Speaker, with each passing session of Congress the verbal heat generated within the House on the subject of foreign trade by both the liberal traders and the protectionist seems to increase in intensity over the vital issue of foreign trade competition.

This creates a healthy situation because a problem of such concern to the American people and to their industries requires continuous and effective deliberations if an honest and just policy for U.S. import-export policy is to be formulated.

Furthermore our debates here simply reflect to a great extent the floor actions at various meetings and conventions of industrial, labor, and agricultural organizations.

Several months ago, for instance, in San Francisco, the giant AFL–CIO had some differences of opinions on this timely topic. But keeping in tune with the changing competitive conditions, they boldly stepped out and modified their traditional free-trade policy and unanimously passed a resolution calling for tighter escape clause administration.

Similarly, the U.S. Chamber of Commerce, at its annual meeting in April 1959, reviewed and then revised its longstanding policy of slavishly supporting the Department of State's one for all and all for one world program. As a result it is reported that the chamber of commerce is now in the process of developing a fresh approach, more in keeping with the views of its business members than the views of the bureaucrats.

Various textile groups representing both industrial and labor components have also gone on record-by-resolution vigorously protesting the State Department-inspired imports produced under sweatshop conditions which, did they exist in this country, would be in constant violation of our laws in addition to the basic codes and norms of organized labor and industry.

The Ladies' Garment Workers, the United Hat, Cap and Millinery Workers, the Textile Workers, and the former free-trade Amalgamated Clothing Workers, to mention a few, are among the aroused labor unions who have experienced the cutting edge of Hong Kong competition and the so-called voluntary quotas of Japan.

The president of United Automobile Workers' local 239 in Baltimore complained bitterly, to no avail, about the 35,000 foreign auto imports which poured through the city port during the first 5 months of 1959. I do not have subsequent figures, but I have no doubt that in keeping with the national picture the imports are now substantially higher.

The UAW official translated his concern into the most meaningful of terms which no one could misunderstand: Over 300 General Motors workers in Baltimore were laid off and an additional

1,500 were working less than 40 hours a week as a result of these imports. Their equivalent represented work for 2,500 men for 13 weeks on two full 8-hour shifts, the official stated.

We in Pennsylvania share their anxiety and the concern of other newly affected industries. We bleed industrially and we suffer economically with each layoff, with each ton of coal that we are not asked to produce for our customers.

In 1947 we contributed a record 631 million tons of bituminous coal to the growing industrial might of the postwar period. In 1949, however, imports of residual fuel oil, a by-product or remaining residue of oil refinement, launched their initial offense and 75 million barrels entered the United States. Within the next 2 years bituminous coal production had dropped off by 193 million tons, to 438 million tons. Thus foreign residual oil had its foot in the door. Newly-affected, import-injured industries take note: Since 1950, 1.3 billion barrels of residual oil have shouldered into our domestic market, the energy equivalent of more than 310 million tons of bituminous coal.

Parenthetically, our American flag tankers, which in 1946 carried 76 percent of our oil imports, today carry only 4 percent because of foreign competition.

But coal and textiles have many new allies today among a most diversified group of industries: machine and hand tools, steel mill products, electrical power equipment, vegetable growers, tuna fishermen and tuna boatmakers, sporting arms, chemicals, and cameras, to name a few.

Three out of four watches now sold in the United States are foreign imports. In more meaningful terms, 10,000 former watchmakers were added to the ranks of thousands of workers who, year in and year out, must adjust and readjust to the life of a butterfly and flit from job to job each time the foreign manufacturer takes over an additional American market. As industry has in self-defense been forced to diversify its products in this game of international cat and mouse, so has the worker been forced to discard one skill after another with each successive job as he reluctantly relinquished his trade and perhaps more remunerative employment to his counterpart abroad.

The cold figures released by the Labor Department on total employment stimulate an artificial temporary warmth, but do not begin to answer the workingman's basic need of job stability and security.

For the answer one must look to the artists in the State Department who, in their zeal to paint miniature Americas throughout the world, each with its built-in Pittsburgh, Detroit, and Des Moines, unwittingly deface the originals beyond recognition like a child who just discovered that his $5 billion allowance will actually buy him a genuine chemistry set for his very own with which his inexperienced hands may gamble.

Let us look at another industry—sewing machines. Japanese sewing machine imports jumped from 64,000 in 1950 to 1 million in 1958. Add this to the sewing machine imports from other countries and one comes up with a more significant amount of market loss than even watches, or slightly over 75 percent.

You will hear little protest from these industries today for the simple reason they have nothing left with which to fight. The individual companies either dissolve or become agents for the foreign manufacturer, such as the White Sewing Machine Co., of Cleveland, or they farm out their manufacturing like the Hamilton Watch Co. to foreign interests.

The past 2 years have seen momentous changes in American foreign economic policy. Yet, even to a casual observer, a strange hush has descended upon the ranks of the liberal traders. Can it be that their long-championed cause of import promotion has finally been achieved and they rest content? Or is it that they see in their handiwork the creation of a Frankenstein which, beyond control, returns to devour its creator?

No longer are we entertained by a chirping chorus of easy arguments of "dollar gaps," "trade not aid," "imports increase exports," "lower unit production costs," and other melodies marshalled to bolster timeworn theories of academicians in Government service.

A few of the remaining spokesmen for the discredited free-trade philosophy are today, however, brandishing a shiny new economic theory which upon reflection runs at cross purposes to their prior concepts. The theme of the day, we are now told, is "Overseas, ho." Having promoted import-export policies in the past which are now playing havoc with the most integrated market ever developed and into which they have introduced highly disruptive commercial elements, they now suggest a remedy for the problem which they themselves deny exists. It would be an amusing situation indeed if it were not so deadly serious a game.

On the one hand the liberal-trade champion claims that we are not priced out of the marketplace. Yet on the other hand he now promotes foreign private investments in plant and equipment to recapture the markets which he denies we have lost, and to protect those markets which he denies we are likely to lose. The horns of a self-imposed dilemma are never comfortable.

Even more amusing is a second implicit byproduct of the current slogan, requiring reflection for all self-respecting free traders: That with the current turn of his theory, he himself has turned toward protectionism.

Recognizing that former U.S. markets are falling in Asia, Africa, Latin America, and especially in Europe—yet reluctant to accept the responsibility for the attending circumstances which led up to such an impasse—he now pushes hard for U.S. industrial development in these areas. American private capital invested abroad today provides about 5 million jobs for foreign employees in and resulting from facilities established overseas at a cost of about $28 billion.

I am keenly interested in industrial development programs: First, because of our area redevelopment efforts and labor surplus problems in Pennsylvania; and secondly, because I believe every nation, as with individuals, should develop to the maximum of its capacity.

I confess to my complete bewilderment, however, on each occasion when our well-intentioned theorists, trying ever so hard to make the facts fit their preconceived concepts of world planning, prematurely press upon an agricultural economy in Asia or Africa the complexities, the dynamism, and heavy responsibilities of a modern industrial system.

These economic experiments in worldly togetherness, eagerly launched from Washington with greater frequency than rockets from Canaveral—and with less accuracy—stem from one fixed, single-minded commandment.

All nations are to be made in the image and likeness of America, with their consent if possible, without it if necessary.

The result is complementary. National economies are replaced by scores of competing economies existing in various degrees of industrial indigestion.

Dutifully, mother America generously opens her harbors to the imports from her foreign-aid offspring and at the same time finds her own exports reduced. Suddenly, it is discovered a surplus labor situation confronts us; not surplus in the sense that there are more workers than there is work that could employ them, but more accurately that there is less work remaining than there are workers. The distinction is all-important because our problem in Pennsylvania is not the result of nature's indifferent distribution of excess population but rather the man-made and calculated accumulation of errors in Washington.

The liberal trader, both public and private, is fascinated by industrial development programs abroad. This is fine. I too am interested up to—but not one groaning dollar beyond—the point where the United States suffers an investment leakage which under normal conditions would flow into our regular growth at home. I have the feeling that his newfound investment theories may enlighten him with experiences which may make our arguments more significant, if not more acceptable, to him in the future.

I have noted this in the attitude of the American exporter. A newcomer to the hardship of shrinking foreign markets, he is more sympathetic these days to the plight of the domestic sales managers and appreciates the similarity in their mutual problems. In addition, I suspect he belatedly but rightly recognizes that his interests are more identified with those of the domestic manufacturer whom he represents than with the importer who has hoodwinked him over the years with glib assurances that "If you want to export you must back my call for more imports."

Now that the problem has surfaced and is recognized for what it is, I have a strong suspicion that the exporting manufacturer at last recognizes that importers and exporters are contesting and not supplementing agents for each other's markets.

Let me now examine briefly the case for protecting American industry, a cause I have consistently defended since

I first entered the House when there were but a few of us to defend it. To the liberal trader, I realize we protectionists are a rather low form of life, sort of reactionary creatures who must be tolerated and with whom, somehow, they must coexist. We have two left—excuse me—right feet, they say, which are out of step with the times, and we yearningly look back to the twenties rather than forward to the sixties.

What I say now I am sure will come as somewhat of a shock to my liberal-trade proponents. The protectionist earnestly seeks a high volume of foreign trade which he believes lies in the maintenance of a high level of production, employment, and wages in the United States. One hears nothing of this side of the protectionist's case, because the free press, like the freetraders, grudgingly give currency to this view, feeling as they do that it might break down the pat image which they have created for us but into which we do not quite seem to fit.

Furthermore, the trade protectionist believes that import competition, which derives its competitive advantage from lower wages abroad, no longer offset by equally low productivity, represents a clearly imminent threat not only to individual domestic industries but to the stability of the economy as a whole and, therefore, to the realization of a maximum level of foreign trade. But where to turn?

Complacent U.S. Government officials dismiss the complaints of individual companies who suffer diminishing markets to imports by the ready answer, "You're only one company; the problem has to be industrywide," not realizing that their apathetic attitude significantly contributes to making it just that—an industrywide problem. It is then too late, as the sewing machine, fishery, and watch industries know, since they were picked off, one by one, in their field of industry.

By and large in the early days of the trade program, the protectionist supported the trade agreements concept. But what we have today and what we were told then are totally dissimilar. Frankly, we have more and more agreements, and less and less trade.

Mr. Speaker, we of the protectionist persuasion submit in short that we are simply not in the running under the existing international competitive conditions that confront us. Every day in the United States our domestic producers compete with each other, neither seeking or asking for quarter. If a sale or bid is lost to another American competitor, the loser tightens his belt, reviews his estimates, cuts here and there, and makes preparations for the next job.

Why is this not so with foreign competition? Why all the fuming by the domestic producers, many of whom have stopped submitting bids on oversea projects and do so only halfheartedly here at home when they find one or several producers from abroad also bidding? By and large the U.S. manufacturer does not have the reputation of a crybaby who, the minute events go against him, tosses in the "crying towel." Does not this behavior in the face of one type of competition contrast considerably with the other?

Most certainly. Furthermore, is it not strange that despite our recognized industrial advancement there is no great rush by foreign producers to install branches and subsidiaries at every opportunity in the United States? We note the very opposite. Plants are being built and equipment installed at an ever-increasing pace by American companies in foreign countries where the transportation, availability of skilled workers, power, raw materials, and other industrial requirements cannot begin to compare with potential industrial development areas available in the United States.

Why, then, are the choice American locations which desperately need industry, forsaken in favor of the foreign which, by comparison, can contribute so little?

The answer is there for anyone who will see.

Other countries have not done for labor and agriculture what we have in this country. Wages abroad are much lower and with the modern machinery installed in recent years, lower production costs result. That is the magnet that draws our companies.

Where, in Asia, for example, will you find the economic and social conditions prevailing which in America place responsibilities on our industry just as real and just as demanding as any legal requirement? Labor and industry in the United States recognize the rights and duties which are required of them in an enlightened society. They both contribute to humanitarian causes, to civic, cultural, and educational projects. And with each contribution of time and funds to worthy domestic causes which raise our standard of living, we become just that much less competitive with the foreign producer.

The protectionist in America realizes the cumulative result of these many factors. I believe a few discerning liberal traders are beginning to understand our concern, at least in mind if not in heart. The protectionist fears, in short, for the welfare of our industrial base, the wellspring, the prime source of our economic progress. He sees in the excessive dispersal of our industry to all corners of the globe a dissipation of strength and a rising vulnerability to foreign competition.

As a man insures himself on behalf of his family, so the manufacturer and producer seek protection for their product on behalf of their industry. If we provide $40 billion per year for the protection of the political integrity of our borders, it is in keeping with the same rules of self-preservation to protect economically the means of our livelihood which make our way of life worth defending militarily. It requires slight mental effort to see the transition from one form of protection to another, either of military to economic, or of foreign markets to domestic.

Let us hope that the liberal traders will wake up and help find the way.

PANAMA CANAL ZONE, NOVEMBER 3, 1959, MOB VIOLENCE—SUPPRESSION OF NEWS IN THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD. 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 Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, in my address to the House on January 13 I emphasized the failure of the mass media of the United States to present adequately the tragic events at Panama on November 3, 1959, as savoring of a conspiracy of silence. Moreover, this case has illustrated a control of the press in favoring suppression of proper coverage of communistically connected activities on the isthmus that affect the security of the Western Hemisphere, including the United States.

Fortunately, the press of the Republic of Panama has covered the November 3 attempted mob invasion of the Canal Zone extensively. Profusely illustrated with pictures of mob actions in areas that are normally peaceful avenues, the story is truly shocking.

Thoughtful residents of the Canal Zone and Panama have sent me many newspaper clippings concerning that tragic incident and subsequent events. They are too voluminous for all to be read by busy Members of the Congress, but they and future historians should know that this record of recent isthmian violence does exist. It is available in the Library of Congress and other libraries subscribing to Panama newspapers.

In order that the real nature of the November 3, 1959, isthmian mob violence may be better known and easily available to editors, writers, and students, I include major news stories from leading papers of Panama as part of my remarks:

[From the Panama American, Nov. 2, 1959]

ZONIANS AWAIT NOVEMBER 3 DEVELOPMENTS—MIXED PREDICTIONS ON LIKELY RESULTS OF BOYD'S VISIT

An unofficial poll of Canal Zone opinion on the likely events tomorrow in connection with the invitation of Deputy Aquilino Boyd and Prof. Ernesto Castillero to join them in a flag-bearing visitation into the Canal Zone tomorrow, brought contrasting comments today.

On only one point was there unanimity: the Canal Zone community hopes there will be no trouble or violence.

Boyd and Castillero have repeatedly declared recently that their call is specifically for a peaceful demonstration, and that all Canal Zone regulations must be obeyed. Castillero has said that any demonstrator who gets into trouble with the Canal Zone law will not get any sympathy from him or Boyd.

Boyd has conceded that on such occasions there is always some danger of hoodlums infiltrating the movement, but he does not think it will happen tomorrow.

Some Zonians said that regardless of inflammatory sentiments expressed in the past

by Boyd, they believe he now seeks only a peaceful demonstration in affirmation of Panama's claims of sovereignty over the zone and her desire for greater benefits from the canal.

The National Government of Panama has taken no position on the march. There has been some comment, chiefly against the project, by columnists and in editorials.

Other observers point out that though it is obvious that the invitation of Boyd and Castillero has not gained support as a broadly based movement, it takes only a handful of persons to create planned disorder.

These people say that an incident of violence could be provoked regardless of the present intentions of Boyd and Castillero.

They hark back to a statement by Castillero in a Panama daily some months ago in which he said that some incidents of violence in the Canal Zone would be a good idea to draw the attention of people abroad to Panama's claims and aspirations.

They also recall that some time ago, in connection with the movement—then called a "peaceful invasion"—Castillero suggested that Panamanian demonstrators take over Balboa Stadium and sit on the steps of the administration building.

One Zonian said: "Those who planned this movement will see to it there is some violence, since drawing world attention to themselves and their ideas is the avowed purpose of the demonstration.

"If there is no international incident, their mission will not have been accomplished."

Today, as previously, canal officials would have nothing to say on the matter.

Unofficially, it is understood that Canal Zone police and other law enforcement agencies will maintain their usual control of traffic, and usual disciplinary measures for persons who commit infractions of Canal Zone laws.

One employee not engaged in this kind of work pointed out that at no time do police permit loitering around or trespassing in buildings in the jurisdiction.

On every hand, the word today seemed to be to make every effort to avoid an incident or clash of any kind.

Several people said that if the intent of the visit is truly peaceful, there will be no trouble unless a drunken person starts something.

Another said one over-excited teenager would be all that was necessary to start an unfortunate chain of events that could lead to violence.

"I just hope nobody gets hurt, especially no young people," a mother said.

A father said he didn't think anybody would. "In fact," he added, "I think there'll be no more hoodlum trouble than on a clear day at the height of the mango season."

Other Zonians stressed that the Panama flag has always flown conspicuously on the Canal Zone on November 3 and there's no reason why it shouldn't do so this year.

Another Zonian said it seemed to him that Boyd is making a great stir over sovereignty when in fact no issue exists. He observed that the United States has always been entirely content with rights "if it were sovereign" clause of the 1903 treaty.

Several Zonians deplored the efforts to set Panamanians and Zonians against each other.

One Zonian reported he thought he saw several demonstrators on Tivoli Avenue yesterday afternoon. Some groups were strolling up and down, holding Panamanian flags higher and in a stiffer manner than is customary during the usual annual observances.

Some cars going through the zone to the interior today were flying Panama flags, but observers thought the proportion was less than in other years.

In his press conference last Friday, Boyd stressed the peaceful intent of his move and said the invitation was for his countrymen, even for a short while, to go peacefully into the Canal Zone carrying a flag or displaying it on their vehicle. He said:

"This is not a call to violence. We don't want to provoke disturbances, nor to stir up seditious marches, nor mal intentioned demonstrations."

Boyd said he and Castillero would make their own zone visit during the morning hours.

[From the Panama Star & Herald, Nov. 3, 1959]

ZONE ALERT AS REPUBLIC OF PANAMA FETES INDEPENDENCE DAY—NATIONALISTS CALL FOR SHOW OF FLAG TODAY—SITUATION RECOGNIZED AS POTENTIALLY EXPLOSIVE DESPITE PROTESTATIONS OF PEACEFUL INTENT

As Panama entered into the celebration of its 56th independence anniversary today, an air of alertness pervaded the neighboring Canal Zone where a show of the flag has been called for by Panamanian nationalists.

Despite protestations of peaceful intent by the two men who have proposed the display, everybody recognized that the demonstration was potentially explosive. The general feeling was that a single person bent on creating a clash between Panamanians and Americans would have a made-to-order situation.

There was no show of official alarm in the Canal Zone. Questions on what special measures were being taken today, brought the terse answer from Balboa Heights that normal traffic control and normal disciplinary measures would be in effect. Caribbean command headquarters, asked if troops would be on the alert or on special duty today in the zone, replied: "We are here at the call of the Governor." Up to yesterday afternoon, Panama had not been placed off limits to military personnel. The feeling among civilians was to stay out of Panama, at least for today.

There was no doubt, however, that the Canal Zone, even while making no open display of security precautions, was ready for any contingency that might develop during the day.

Aquilino Boyd and Ernesto Castillero Pimentel, National party leaders, said last week they have invited Panamanians to enter the Canal Zone today, afoot or in cars, carrying a Panamanian flag. They disclaimed any call for an organized demonstration or march into the zone. They insisted that it is to be a peaceful gesture of reassertion of Panama's sovereignty over the Canal Zone. But other than their peaceful intent, they could give no assurance that their call might not result in trouble.

How many Panamanians planned to answer the Boyd-Castillero appeal no one could tell. Traditionally, Panamanians decorate their automobiles with small Panamanian flags, or—children especially—carry them afoot for the November patriotic holidays. In years past, many have entered the Canal Zone particularly during the parade hours when the main thoroughfares are closed to traffic.

Indications yesterday were that there would be no interference with this type of activity. Several cars flying the Panamanian flag from radio antennae and other convenient places circulated freely in the Canal Zone yesterday.

What worries everybody is the possibility that groups of hot-headed elements might seek to make a show of defiance or play the role of heroes in the Canal Zone today—thus giving rise to an incident that might generate widespread trouble.

Among these groups are students. The original call by Boyd and Castillero last July specifically included students. It was billed as a peaceful occupation of the zone with demonstrators sitting down in public places. In their statement last week, Boyd and Castillero said their invitation was addressed to all Panamanians generally but emphasized that the response would be up to each person individually, rather than urging an organized, mass demonstration.

One school which has always been at the forefront of agitation in Panama is the National Institute, whose buildings border on the Fourth of July Avenue boundary line. One usually well informed Panama source reported last night that some of the institute boys were planning to show the flag in the Canal Zone today, but whether it would be an organized march was not known.

Boyd yesterday stood on his press conference statement that he and Castillero would enter the Canal Zone some time before noon today to display the flag. But he still declined to say how, where or when.

The two politicians contended last week that under existing treaties Panamanians have the right of free access to public thoroughfares in the Canal Zone. There are provisions in the Canal Zone code and in the traffic regulations, however, which govern the behavior of persons while in the Canal Zone. These deal with loitering, vagrancy, disorderly conduct and breach of the peace, among others. There is a requirement that organized groups of more than 60 persons or caravans of more than 15 automobiles require a permit from the chief of police.

(In answer to a question, Canal Zone officials said that the immunity from arrest which members of the National Assembly enjoy in Panama does not carry into the Canal Zone. Boyd is a member of the national assembly.)

Generally it was felt that most of whatever activity develops in response to the Boyd-Castillero appeal will occur during the morning. This was indicated by Boyd himself in saying he and Castillero would enter the Canal Zone before noon.

It will be during the early morning, also that there will be the greatest massing of people in Panama City. This will be for the traditional salute to the flag, which will take place at 8 a.m., opposite City Hall in Cathedral Plaza. Students and citizens will gather to watch President Ernesto de la Guardia, Jr., raise the national flag atop the City Hall while the national anthem is sung by the massed spectators.

(Last Saturday, when a defect was discovered in the pulleys for the ropes to hoist the flag atop the three-story City Hall, Panama City officials obtained the services of the Canal Zone fire department's extension-ladder truck to make the necessary repairs quickly. The fire truck rode into the city under escort of the Panama national guard.)

A parade, which annually attracts thousands of spectators, will follow immediately after the salute to the flag. The route of march will be from Cathedral Plaza to Avenue A, thence to First Street, Bolivar Plaza, the Presidential Palace, B Avenue, the Lottery Plaza, and Central Avenue. The parade will disband at Cinco de Mayo Plaza, opposite the railroad station.

The rest of the program is devoted to official ceremonies and sports events, mainly. In the evening, there will be a fireworks display at the Panama Yacht Club on the seafront drive which runs past the American Embassy office building.

The patriotic celebration will extend through November 4—Flag Day—which marks the anniversary of the first public display of Panama's flag the day after the country proclaimed its independence in 1903.

The day's principal event will be the Flag Day parade, scheduled to start at 9 a.m., from Avenida Peru and 34th East Street. The route of march will be the entire length of Central Avenue to the Presidential Palace.

At the invitation of Panama officials, a contingent of the U.S. Armed Forces will march in the November 4 parade.

[From the Panama American (Canal Zone), Nov. 4, 1959]

ARMY GUARDS CANAL ZONE BORDER—120 HURT IN DAY OF ROCKS, BAYONETS, TEAR GAS, CLUBS

A gunmetal calm brooded over the isthmus today as combat-ready GI's maintained their positions behind barbed-wire barricades along the Canal Zone-Panama frontier.

They were under orders to preserve order in the zone after history's worst frontier violence between the zone and Panama.

At least 120 persons were wounded yesterday in a day-long fracas which caused President Eisenhower to observe at his Washington press conference today that excitable extremists in Panama and other Latin American countries are behind the numerous instances of anti-American mob action in the area.

Many of yesterday's demonstrators appeared fiercely anti-American.

Civilians and military alike on the zone are technically under Army orders till Gov. William E. Potter deems the tension has relaxed sufficiently to withdraw law-enforcement responsibility from Quarry Heights' Lt. Gen. Ridgeley Gaither and turn it back to the battle-bruised Canal Zone police, under Maj. B. A. Darden.

Panama is off limits to all servicemen and their dependents, and Potter has warned zone civilians from entering the Republic. For the first time in years, no US units marched today in Panama City's traditional Flag Day parade.

Two of six young Panamanians arrested during yesterday's ruckus are to face charges in Balboa Magistrate's Court this afternoon.

Rocks, tear gas, high-pressure firehose jets, riot sticks, bayonets, curses, birdshot and some bullets flew along the frontier line for hours yesterday as Aquilino Boyd's "peaceful invasion" erupted into a demonstration which, momentarily at least, dragged US-Panama relations to the lowest point in recent memory.

U.S. Ambassador Julian F. Harrington delivered to Panama's foreign minister a protest couched in "the strongest terms," declaring that the desecration of the Stars and Stripes which demonstrators tore from the US Embassy mast and ripped to shreds, put US-RP relations "in serious danger."

Panama has not yet replied to the protest, nor has there been any official Panamanian Government statement of yesterday's frontier violence.

Participants in the flag incident claimed it was sparked by a Canal Zone policeman trampling on a Panamanian flag during rough frontier scuffling along Tivoli Avenue at Ancon Boulevard.

The demonstrators, Boyd and Ernesto Castillero among them, raised the Panamanian flag on the Embassy mast and then sang the Panamanian national anthem.

In a later statement, Boyd and Ernesto Castillero said they had been unable to prevent the flag incident at the Embassy.

The cosponsors of the "peaceful invasion" had the following to declare of the day's events at large: "We consider that the objective we sought to achieve, the reiteration of our sovereign rights over the Canal Zone this November 3, to have been amply achieved.

"We believe that demonstrations of this kind are necessary and useful for the Panamanian cause. We congratulate the people of the capital city for their lofty and patriotic conduct along this journey which has opened a new path by which justice may be accorded to our country."

Tight-lipped Canal Zone authorities plainly put the blame for the affray squarely on Boyd.

On the Panamanian side of the frontier the demonstrators, many of them too excited to give a coherent account of what they were doing there, insisted yesterday that zone authorities got rough first.

The demonstrators mocked the GIs guarding the zone with a fence of bayonets with cries of: "We might as well be in Russia." There were many less printable epithets.

Potter stressed today that if people from the Republic had just come over into the Canal Zone peacefully carrying flags they would not have been bothered by Canal Zone police.

"The group that started it," he said, "spread from a mob along the border. Their disorder could not have been permitted, because if it had been, it was apparent that the rest of the mob would follow (into the zone)."

Potter said today he had been apprehensive for some time that the demonstrations scheduled for yesterday would bring disorder on the Canal Zone which he in his official capacity would have to control.

"The law is very specific," he said today. "An act of Congress charges me with responsibility for the security and protection of the Canal Zone.

"This movement had received so much advertising in advance that we felt it would get out of hand.

"As long ago as last August I told my people in the United States that unless there was some positive action on the part of the Panama Government, I was apprehensive.

"There have been many stories in Panama papers, indicating there would be trouble.

"When the trouble started yesterday, I called a Presidencia official and asked him to stop it now."

(Yesterday, in a formal statement, the Governor said that he felt that if National Guardsmen had taken steps earlier to break up the mobs forming along the border, the incidents in the Canal Zone would never have occurred.)

"Several prominent Panamanians have visited Canal Zone officials in recent days to express hope that we would do everything possible to prevent trouble, and this we think we did. Obviously we could not go into Panama to break up the mob."

The Governor went on to say that from what he had seen personally and the official reports reaching him, the rioters seemed to be of the same type of groups that normally compose local riots such as those of May 1958.

They seemed composed of some students, some hoodlums, chiefly young, with older men among them obviously egging them on.

"Only as a last resort to prevent real civil disorder and pillaging did I ask that troops be brought into the picture," he said.

Panamanian sources report nine of the 64 persons treated in Panama City hospitals yesterday had bayonet wounds, and three bullet wounds.

The military authorities deny firing any bullets. Only firearms activity was some birdshot.

Casualties among the Canal Zone policemen and firemen totaled between 45 and 64 during the day's disturbances.

On the Pacific side, one fireman was admitted to Gorgas Hospital with a fractured knee. Ten other firemen were given first aid treatment at the hospital and 8 other firemen and seven officers treated on the spot.

Twenty-one police officers were treated at Gorgas Hospital for cuts and bruises from flying rocks, hunks of concrete, and other objects.

On the Atlantic side, three police officers were struck by rocks and other objects. One officer's helmet was smashed and his head cut. They were sent to Coco Solo Hospital for first aid treatment, but were able to return to duty when needed.

One firefighter on the Atlantic side was bruised by rocks but did not require hospital treatment.

Among the Canal Zone law-enforcement officials who required first aid were Police Chief Darden, and the Chief of the Civil Affairs Division, Henry L. Donovan. They were hit by rocks.

Injuries to other policemen ranged from broken ribs to lacerations, bruises, and sprains.

Those hurt on the Pacific side were:

Sgt. Robert Engelke, Sgt. James A. Marchuck, Sgt. E. J. Husum, and Policemen Al Zon, D. S. Heilman, David L. Bishop, Robert W. Blades, Arthur L. Blystone, Herschel Dempsey, Robert E. McBride, Henry Perry, Daniel E. Harned, Fred E. Mounts, E. V. Amason, Paul V. O'Donnell, Anthony Malagutti, R. J. Tomford, Gardner Harris, Richard D. Meehan, Robert E. Lee, and R. M. Brome.

Six Panamanians arrested in Ancon during yesterday's rioting faced Balboa Magistrate John E. Deming today. Five were charged with disturbing the peace, one with simple drunkness.

One was a student, Ezequiel Gonzalez Nuñez, 16, a fourth-year pupil at the Jose D. Moscote School.

His disorderly acts were reportedly especially offensive. He is understood to have shoved and elbowed law-enforcement officers and finally to have dragged a flag around a Canal Zone policeman's neck and then yelled: "It's dirty now."

His actions are understood to have been those which set off the first real disturbance at the border.

Arrested during the same incident was another man of almost identical name, but no relation, Ezequiel Gonzalez Meneses, 23, unemployed. Today he was out on a pass from Gorgas Hospital. His head was bandaged and he wore a hospital pajama. It was arranged for him to sit during the hearing.

Luis Humberto Barletta Diaz, age 47, a garageman, who is a brother of Second Vice President Heraclio Barletta Bustamante; Donald Horacio Brathwaite Pyle, 22, a laborer; and Tomas Castillo Beitia, 41, a chauffeur, were arrested later after another incident.

All pleaded not guilty. Brathwaite and Castillo chose to be tried today and their cases were to be called at 1:30 p.m.

At the request of the two, Gonzalez and Barletta, court recessed to give them opportunity to contact relatives and discuss hiring lawyers. Gonzalez Nunez's parents were in court.

Later the three asked for and received continuations to 9 a.m., November 6.

Bail for each was set at $200 at the request of District Attorney Rowland K. Hazard who said that though the offenses were only misdemeanors, they occurred in "aggravated circumstances" and "the government wants to make sure they are tried in open court."

Up to noon, only Barletta had posted bail.

Bootblack Fernando Bliss, 44, who was charged with simple intoxication, though he was arrested in the riot area, was fined $10.

From every side on the Canal Zone, came reports that zone police were overly patient during the rioting, putting up with considerable indignity before asserting themselves.

Considerable property damage was reported on the Pacific side.

Demonstrators pushed five private automobiles into a fire which they had started when a bus dispatcher's shack on Shaler Road was overturned and set ablaze.

There was extensive damage to the exterior of the Ancon Masonic Temple and to the windows and grounds of the Catholic Home of Maryknoll Sisters on Tivoli Avenue.

The sisters were forced to evacuate the buildings.

Street lights along Tivoli and Fourth of July Avenue were broken and three plate glass windows smashed by rocks at the Fern Room of the Tivoli.

Four Canal Zone police radio cars were damaged; windshields and windows were broken and the bodies dented.

Windows were knocked out of the official sedan assigned to the chief of the Canal Zone fire division.

The body of one firetruck was dented and sections of fire hose were slashed with knives.

Some of the worst damage was at the Panama City railroad station where looting was still going on this morning.

Demonstrators set fire to a passenger coach standing on the station track, burning it to the sills. At least three private automobiles, some of which belonged to railroad personnel, were burned in the same fire.

The baggage room at the Panama station was looted and the small office enclosure in the baggage room burned.

A large safe in the baggage room was stolen.

One of the railroad's car inspectors was struck on the head by rocks.

The Panama freight house was open for business today with National Guardsmen on duty in the freightyards.

Yesterday's disturbances caused little absenteeism in company-government offices and units today, although a number of employees reported late.

A few Panamanian employees had previously requested time off for the national holidays and they had not been expected to report.

Buses were not running into the Canal Zone from Panama but bus service within the Canal Zone was operating out of a temporary bus station near the Ancon Laundry.

As GI's at the railroad crossing checked all entering cars, the waiting line was backed up more than a mile down the Panama City section of Frangipani Street this morning.

Crews from the community services division were out along the Pacific side border streets today cleaning up the debris left from the disturbances.

Classes were suspended at the Ancon Elementary School where a gasoline bomb was thrown at the school gymnasium just off Fourth of July Avenue before sunrise today.

All other Canal Zone schools are operating as usual as were traffic through the canal and company-government activities.

Using a Balboa Fire Department pickup truck as a base of operations the supply and community service bureau handed out 500 sandwiches and served 25 gallons of coffee prepared by the service center branch, to Canal Zone policemen and firemen yesterday, from noon on, when it became evident that they would be unable to go home for lunch.

There also were 75 hot meals served at the Balboa fire station to the men standing on the ready there.

Shortly after 8 a.m. white-suited Boyd, accompanied by about 12 friends including Castillero, took off in a caravan headed by Boyd's expensive silver Mercedes 300S for the zone.

On the Balboa Prado the expedition halted.

Carrying a made-in-Egypt Panamanian flag which Castillero had brought back from a trip on which he looked over Egypt's possession and operation of the Suez Canal, Boyd led a group including his wife and four young children to the Goethals Monument.

En route he was quietly intercepted by first-on-the-scene Canal Zone traffic officer, Freeland Hollowell.

The Canal Zone officer told Boyd his orders were that there should be no violence. Boyd said he had no such intention, and Hollowell let him move to the monument, where he posed for photographers.

The early appearance attracted scant public attention, but Potter was looking narrowly upon the scene from high up in his administration building office.

For 2 months he had been reading his reactions to Boyd's announced invasion.

Carefully observing Canal Zone traffic laws, Boyd drove off to repeat his flag waving demonstration on Miraflores Bridge and at the west bank ferry ramp. On none of these occasions was there more than an occasional bystander, and there was no visible reaction.

At the ferry ramp Boyd declared: "We sincerely believe that pretty soon we are going to have the flag of the Republic of Panama flying officially over this part of Panamanian territory."

Then he led the 11-car parade back over Miraflores Bridge and headed with his friends for the Atlantic side, where he repeated his performance.

Meanwhile the Independence Day parade through Panama City was beginning to break up, with many of the parading groups being dismissed in De Lesseps Park, in front of the national assembly building.

A group of youths who declared themselves to be students brought a large Panamanian flag to the Panamanian side of Tivoli Avenue, at Ancon Boulevard. This was to become the hottest spot in the battle through the rest of the day.

It is understood the youths were told they would not be allowed into the zone as a group. (Boyd's call had been for "all Panamanians to proceed individually" to the zone, carrying a Panamanian flag.)

Zone authorities insist that from the outset their precautions were directed against the entrance of unruly groups to the zone, and not against the Panamanian flag.

Many demonstrators spent quite a time in Canal Zone territory before the violent day was over, carrying the Panamanian flag there.

Many others passed through on their peaceful occasions, flying the Panamanian flag on their cars in independence day tradition.

The party of youths proceeded to march along Tivoli Avenue sidewalk, just inside the Republic, as a file of Canal Zone police paced grimly beside them, an equally brief distance into the zone. The police wore white helmets, and carried riot sticks.

This strange procession made its somber way up toward the National Institute, and back along Tivoli Avenue. Youngsters who strayed onto the road—Canal Zone territory—were bundled back onto the sidewalk.

Then, as the sidewalk narrowed at the basketball court where the Tivoli Avenue line of shops ends, a youthful marcher lurched out onto the road, possibly because of the press of other marchers.

A Canal Zone policeman, apparently considering the youth was lunging at him, grabbed the youth who in turn, according to eyewitnesses, made a grab for the policeman's gun.

The youth's fellow marchers insist the Canal Zone policeman plucked him from the marching group, dragged him across the frontier in the process.

Anyway, the fight was on.

The incident took place right at the ruins of the former American Club. Stones large and small remained from the demolition job. They were soon soaring across the frontier and crashing down among Canal Zone policemen.

From that moment on, there has been no true peace on the frontier.

As the reinforced border patrol of policemen moved back out of rock range to get their full riot gear, Canal Zone fire crews, many of them local raters, moved up with the high-pressure hoses. They were operating well within range of the rock throwers.

All zone authorities had praise for the manner in which the local rate firemen stayed on the job under the long bombardment of rocks.

Potter today praised the policemen and firemen for acting conservatively at all times and making every effort to avoid incidents.

The men were told that the restraint and self-control "exercised in the face of reckless, unreasonable provocations by large hoodlum elements of an uncontrolled crowd" undoubtedly served to avoid what could have been tragic consequences, and that they had done an outstanding job for which they could ever be proud.

Meanwhile as short a distance as one block back into Panama there was little to distinguish the day from any other independence day.

In the suburbs there was no indication of trouble, and in the Panama Cathedral President Ernesto de la Guardia, Jr., officers of his government, and members of the diplomatic corps were attending independence day services with no inking of the trouble already crackling outside.

For almost 4 hours the frontier battle flared and waned between Canal Zone police and firemen, on the one hand, and rock hurlers and individuals determined to carry the Panamanian flag into the zone, on the other.

Canal Zone officials believe that if a small detachment of National Guardsmen had been sent to clear the Panamanian side of the line in the early stages of the trouble it would never have developed as it did.

One high zone official has commented acidly on the strange absence of National Guardsmen at this stage, and has gone to no pains to conceal what he thinks about it.

A Balboa Heights statement said today of this aspect of the turmoil: "The Canal Zone Government since early morning had been perturbed at the failure of the Guardia Nacional to appear in the area of the mob gatherings. At any time the disturbances at the border could have been stopped had any positive action been taken by Panama."

Soon there was not a dry eye in the house or out of it. Tear gas reeked thick and persistent upon the scene.

On both sides of the line holiday-making spectators by the hundreds crammed vantage points to watch the tussle. One said it was a better show than Saturday night's "Telephon."

Early afternoon, Boyd, just returned from his Atlantic-side foray, showed up among the increasingly noisy demonstrators on Tivoli Avenue, along with Castillero.

His stay in the Canal Zone differed in spectacular respects from that earlier in the day.

According to eyewitness reports, as he was stepping onto the Canal Zone jurisdiction roadway he was assailed simultaneously by a squirt of tear gas, a jet from a firehose, and a couple of Canal Zone policemen, who gave him a honky-tonk bouncer's heave-ho back on to the sidewalk.

It was shortly after this incident that the demonstrators claimed to have seen a Canal Zone policeman mistreating a Panamanian flag and headed off for the Embassy to tear down the U.S. flag there.

Some of them returned some time later bearing what they proclaimed to be shreds of the ripped-up Embassy flag and flaunting them at the U.S. forces and onlookers over in the zone.

About this point, at 2:26 p.m., and with similar troubles breaking out on the Atlantic side, Potter decided that 4 hours under attack were enough for his thin blue line of law-enforcing Canal Zone policemen and their firefighter allies.

He called in the Army.

As the trucks packed with battle-dressed troops rolled purposefully up to dispersal

areas only a block or so behind the frontier, it was clear that this was no improvised action.

The troop commanders plainly knew their task in advance and moved in with practiced smoothness to carry it out.

As the demonstrators at the De Lesseps Park wall grew increasingly excited at the spectacle of a platoon of troops with fixed bayonets spanning Ancon Boulevard, National Guard Capt. Manuel Hurtado and only four men did a fine, desperate job of trying to persuade them not to do anything rash.

It was a long time before Hurtado and his patient, persuasive quartet got any reinforcement in their task of trying to avert a direct clash between the headstrong demonstrators and the implacable, heavily armed troops.

Several observers give hustling Hurtado much credit for averting serious bloodshed.

Foiled in their efforts to get into the zone, one of the larger bands of demonstrators took off down to the Panama Railroad Station—also Panama Canal property—where before the arrival of a National Guard motorcycle squad they wreaked the blazing damage described earlier.

Platoons from the First Battle Group, 20th Infantry Regiment, were stationed across Ancon Boulevard, Gorgas Road, San Blas Place, and at the limits.

It was the most determined display of armed might on the isthmus for many years, as the gasmasked troops stood in grim array, their bayonets extended toward Panama and the demonstrators catcalling on the sidewalk beyond.

In most cases the line of troops was as much as 50 yards back into the Canal Zone, standing impassive as demonstrators bore their flag up close to the bayonets, scurrying, taunting, and singing popular songs.

It was not until shortly before nightfall that Hurtado got reinforcements to help him empty out the frontier streets and areas from which the demonstrators had been surging perilously forward toward the zone.

As night fell the crashing of PAA and Grace Line plate glass windows was heard in De Lesseps Park as anti-American demonstrators expressed their feelings against U.S.-owned firms.

The booming of normal independence day fireworks in faroff Panama surburbs agitated some zonians, but after the National Guard moved in to keep the peace on the Panama side of the embattled frontier, calm descended and remained through the night.

In the course of deploring yesterday's violence, President Eisenhower said he favored building a second Panama Canal, but that the project was so complicated and required such study that it was not necessarily something he would ever recommend.

The President said that he had felt for the last 14 years that it would be a good idea to have another canal.

He did not indicate, however, where he thought a second canal should be located if a study showed it to be worth building.

He said he would not favor internationalization of the Panama Canal. He said the United States had a treaty with Panama covering use of the canal and the United States had lived up to terms of the treaty scrupulously.

The House Merchant Marine and Fisheries Committee is now studying the question of whether another canal is needed in the Panama area. It is expected to report on the matter at the next session of Congress.

Eisenhower said the United States was puzzled by anti-American outbursts in the Caribbean.

He said the United States confidently hoped that not only Panama, but every other civilized government would make certain that law and order are preserved.

[From the Panama Star & Herald, Nov. 5, 1959]

REPUBLIC OF PANAMA BLAMES TROUBLE ON ZONE SHOW OF FORCE—TROOPS GUARDING BOTH SIDES OF BOUNDARY LINE

With Panama and United States troops standing guard at intersections along the Canal Zone boundary yesterday, this country officially blamed American authorities—at least partly—for the wave of anti-U.S. demonstrations that plunged relations between the two countries to their worst crisis yet.

An official Panama counterprotest to the United States said, in effect, that the display of American force to repel demonstrators at the boundary line Tuesday was unjustified.

While officially deploring the desecration of the American flag, which was pulled down from the American Embassy flagpole and ripped, the Panamanian note pointed out that this action was "preceded by analogous acts performed with a Panamanian flag in the Canal Zone."

President Ernesto de la Guardia, Jr., told Panamanians in a nationwide broadcast last night that his government is not responsible for Tuesday's events. He added Panama "condemns and reproves the events which occurred at the Canal Zone boundary, because they are not called for on the part of authorities of a country which shares with us a vital and joint interest in the canal enterprise."

Anti-U.S. agitation continued yesterday in Panama City. The Fuerza y Luz Co. building in downtown Central Avenue was stoned by demonstrators, who also set fire to two parked company vehicles. A strong National Guard mounted and motorized detachment was dispatched to the scene and finally dispersed the demonstrators and the large crowd that had gathered. Some stones were thrown against the guardsmen, but no further incidents developed.

The widespread anti-U.S. feeling in the city prompted the U.S. Embassy to suggest that all American citizens in the Republic refrain from visiting the downtown and congested areas of the capital for the time being, unless absolutely necessary. Already, all of Panama was off limits to American residents of the Canal Zone, both civilian and military.

Troops of the 1st Battle Group, 20th Infantry, and the 53d and 549th military police companies took over the boundary line at 2:30 p.m. Tuesday after Canal Zone policemen and firemen had fought rock-throwing demonstrators with tear gas and firehoses for 4 hours.

The demonstrators responded to a call by nationalist leaders Aquilino Boyd and Ernesto Castillero Pimentel to show the Panamanian flag in the Canal Zone during Panama's Independence Day, which was celebrated Tuesday.

Boyd and Castillero themselves had displayed the flag on the Pacific side of the Canal Zone, and later on the Atlantic side, during an early morning uneventful automobile ride, during which they posed, flag in hand, for photographers at various public places.

The trouble started building up at 10:15 a.m., immediately after the conclusion of the independence day school parade. A group of about 10 demonstrators, who identified themselves as students, formed on the Panama side of the boundary at the Ancon Boulevard-Tivoli Avenue intersection. They crossed the street into the Canal Zone and were promptly stopped a few paces inside the Ancon Boulevard sidewalk by Canal Zone policemen, headed by Chief B. A. Darden. There was a brief exchange of words during which the demonstrators were told they could not go on and half a dozen policemen, carrying extra-long stocks, forced the demonstrators back to the Panama corner.

The flag-carrying group grew in size as it walked back and forth several times from the corner to the "J" Street intersection, at one time going as far as "H" Street opposite the Ancon Courthouse. The demonstrators were kept on the sidewalk by the Canal Zone police detail, which stayed on the street.

There was one young student in the group that kept stepping off the sidewalk onto the street. Every time he was forced back on the sidewalk, he jostled the policeman. Several times he brushed a policeman's helmet with the flag and then wiped the banner with his handkerchief, with a gesture indictating that the emblem had been soiled.

The group was heading back to the Panama corner at the Ancon Boulevard intersection when the student stepped off the curb again. Suddenly, a zone policeman grabbed him by the arm and yanked him to the middle of the pavement. Another demonstrater who apparently sought to hold back the student also was pulled violently to the street.

This happened at 11:15 p. m. right in front of the empty lot formerly occupied by the American Club. The building was demolished not long ago.

Rocks and large pieces of concrete, picked up from the lot, rained on the zone policemen. A radio patrol car which stopped momentarily while the struggling demonstrators were subdued—one of them with blows from a blackjack MM—had every window and the windshield smashed by rocks.

The battle was on. Policemen retaliated with tear-gas grenades and tear-gas sprayers. Fire trucks arrived almost immediately and half-a-dozen hoses were laid between the Maryknoll convent and the Tivoli Hotel. The streams of water were thrown almost continuously for the rest of the afternoon at the demonstrators, who kept trying to carry the flag into the boulevard. Demonstrators sometimes suceeded in picking up still smoking tear-gas grenades thrown by police and hurling them back on the Canal Zone side. Police also returned the rocks thrown by demonstrators.

Early in the clash, a lone Panama National Guard radio patrol car screeched to a stop at the intersection. Its two occupants got out briefly and, as the demonstrators fell back on De Lesseps Plaza, returned to the patrol car and left.

It was not until almost 1 o'clock that National Guardsmen were seen again at the intersection. But clearly they were not in sufficient numbers to control the crowd immediately.

The general estimate was that the demonstrators actually involved in the rock, tear gas, and water battle numbered about 200. There was a crowd of hundreds of spectators gathered in De Lesseps Plaza, by the legislative palace, but there was no more to join the demonstrators.

The clash continued for 4 hours, with only a few lulls when National Guard officers came to confer with Canal Zone police and later with Army officers about a mob along the border. Their disorder could not have been permitted, because if it had been, it was apparent that the rest of the mob would follow.

Police Chief Darden and Civil Affairs Director Henry L. Donovan confirmed yesterday the demonstrators were told that they could come into the Canal Zone, with flags, in small groups, provided they did so orderly, and also that they could parade from L Street to the limit along Fourth of July Avenue, but would not be permitted to enter the side streets in the Canal Zone. Darden and Donovan said the offer made no impression on the demonstrators. The parley was conducted in Spanish.

In this connection, Capt. Manuel J. Hurtado, of the Panama National Guard, reported as follows:

"At around 12:30 p.m. on orders from Chief Vallarino, I went with two radio patrol cars to the legislative palace, where according to reports reaching headquarters a clash was in progress between a crowd of Panamanians and civil police of the Canal Zone.

"When I arrived, the crowd was throwing stones, but without too much difficulty the people agreed to halt this. Before my appearance, a parley had been undertaken between North American and Panamanian spokesmen. Major Darden, of the Canal Zone police, had delivered to a lady professor a flag which the Panamanians had previously planted in the zone and he even agreed that a group of demonstrators parade past a zone section, with our flags unfurled, exiting by National Avenue (automobile row).

"I believe everything would have ended normally had not Major Darden received a counterorder, apparently from the Governor of the Canal Zone, General Potter, which he communicated to the demonstrators, whose reaction was to go through by all means. It could be perceived that Major Darden lacked control over his men and this aggravated the situation. The National Guard was doing as much as was possible to calm down tempers in that atmosphere of rocks and tear gas.

"At about 2:30 p.m. the crowd appeared ready to disperse, but then the (U.S.) Army appeared and tempers flared up again.

"The principal difficulty came from agitators. When the National Guard thought it had convinced the crowd to clear the area, the agitators egged them on to continue the struggle. I must acknowledge that there were university elements who behaved well."

In connection with Hurtado's report of a counterorder from the Governor, a Balboa Heights spokesman said Police Chief Darden had had his orders for a long time, and he knew what to do.

At least twice during the afternoon, the demonstrators actually succeeded in entering the Canal Zone, carrying the Panamanian flag. On the first occasion they entered by the Ancon Post Office intersection, marched down Frangipani Street to the corner of the Sacred Heart Chapel, and turned into Ancon Boulevard to emerge at De Lesseps Plaza. They were not interfered with. The second time, they entered again by the Ancon Post Office intersection and came down by the Ancon Elementary School. This time, however, army troops already had taken over and the demonstrators were driven out at bayonet point past the Masonic Temple.

The violence at the boundary line—most of which was centered at the Ancon Boulevard and J Street intersections—lasted until 6 p.m. At that hour, the demonstrators finally dispersed.

The toll of injured from Tuesday's disorders stood yesterday at 117. Sixty-two persons were treated at Santo Tomas Hospital dispensary in Panama, 17 of whom were hospitalized, 52 zone policemen and firemen were bruised or cut, and three soldiers were slightly injured. Three of the Panama injured were reported in serious condition—a man with a bayonet wound in the liver, an 8-year-old girl hit by a bullet in the lower abdomen, and a man who was struck by a Panama firetruck.

In connection with reports of persons wounded by bullets, Caribbean Command headquarters made the following statement yesterday: "U.S. military authorities in the Canal Zone today denied reports of Panamanian officials that American Army troops had used ball ammunition in dispersal of rioting demonstrators observing the 56th anniversary of the Republic of Panama. The only weapons fired against the crowds yesterday (Tuesday), said headquarters of the Caribbean Command, were riot guns loaded with birdshot."

Panama officials said the National Guard had made no use of firearms.

While the boundary clash was in progress, other demonstrators stoned the U.S. Information Service offices in Panama City where a Panama Independence Day exhibit was featured, and then went to the Embassy Chancery, where the building was stoned and the American flag pulled down and ripped. Glass windows in both buildings were smashed.

In connection with the Embassy incident, Boyd and Castillero Pimentel made the following statement yesterday:

"* * * We arrived at Fourth of July Avenue while a virtual full-dress battle was in progress between hundreds of Panamanian citizens and the Canal Zone police in the section across from the Legislative Palace.

"We placed ourselves at the head of the crowd and advanced along Fourth of July Avenue up to a spot where the zone police, with tear gas and water hoses, succeeded in dispersing it (the crowd).

"The multitude, in reprisal for the trampling of a Panamanian flag by Canal Zone policemen and indignant over the acts of bloody violence carried out against peaceful students and patriotic citizens, who had committed no reprehensible act, asked us to go to the Embassy of the United States of America to carry out a protest.

"At the head of that multitude, we proceeded to the Embassy, where, without our being able to prevent it, the people pulled down the North American flag and destroyed it. Then the flag of Panama was raised and those present sang the National Anthem. After these acts were carried out, the protest demonstration was terminated.

"We feel that the objective of conducting a symbolic reassertion of our sovereign rights in the Canal Zone on the 3d of November was fully accomplished. We believe that acts of this nature are necessary and convenient for the cause of Panama."

By dawn yesterday, Army troops had thrown barbed wire barricades at intersections facing the limits, J Street and the Legislative Palace, and along most of Fourth of July Avenue. The barricades were manned by troops in field uniforms and at some spots light machineguns had been emplaced. Cars including buses and pedestrains entering from Panama at the limits and San Miguel crossing were stopped and checked for destination and identification.

Along the Panama side of the boundary line, Panama National Guard detachments, also in field uniforms, and armed with rifles, guarded the intersections to keep demonstrators from approaching. Another march toward the Canal Zone actually was planned after the Flag Day parade yesterday, by university students but a spokesman said it was called off when "strange elements" tried to join it. A group which went to the Legislative Palace was stopped by the National Guard detachment there. It was on its return up Central Avenue that the Fuerza y Luz Building was stoned. The power company is a subsidiary of American Foreign Power.

Although tension remained high, there were few incidents at the boundary during Tuesday night. A report from Caribbean Command headquarters said:

"During the night, Panamanian flags were planted for 5- and one 15-minute period near the U.S.-owned Tivoli Guest House at Ancon a short distance inside the zone boundary at Panama City. Another Panamanian flag was planted yesterday (Tuesday) near the Caribbean Command Headquarters but outside the military reservation. Also during the night, demonstrators hurled a gasoline bomb at an American elementary school gymnasium and attempted to set fire to a patch of bamboo trees near the Tivoli Guest House. No damage occurred and no injuries were reported."

Governor Potter said yesterday the calling of Army troops Tuesday as an "augmentation of police power" that was part of the plan worked out by Canal Zone authorities in connection with the November 3 demonstration, which was first announced in July.

Panama officials said that no further protest had been received yesterday from the U.S. Embassy. On Tuesday, Balboa Heights said Potter had urged the American Ambassador to protest the failure of the Panama National Guard to appear promptly and to act to prevent the clashes at the boundary. The Embassy said it was consulting with Washington before acting on the Governor's request.

Six demonstrators were arrested in the Canal Zone. One, Fernando Bliss, 44-year-old shoeshiner, was charged with intoxication and fined $10 on his plea of guilty.

Five others were charged with disturbing the peace. They are: Ezequiel Gonzalez Nuñez, the 16-year-old student involved in the incident at the start of the boundary clash; Ezequiel Gonzalez Meneses, 23, unemployed (no relation to the student); Luis H. Barletta Diaz, 47-year-old garage owner; Donald H. Brathwaite, 22, a laborer at the Panama Abattoir; and Tomas Castille, 41, a chauffeur.

Brathwaite and Castillo announced they were ready for trial and their case was heard in Balboa Magistrate's Court yesterday afternoon. They entered pleas of not guilty, but were found guilty. Judge John E. Deming sentenced Brathwaite to pay a fine of $100 and to serve 30 days in jail. Castillo was fined $25 and sentenced to 30 days in jail.

On the request of the defendants, the cases of the two Gonzalez and Barletta were set for Friday at 9 a.m. Bail was set at $200 for each defendant. Barletta posted the bond. All three defendants entered pleas of not guilty.

In connection with Tuesday's disorders, the Panama Canal press office issued the following statement yesterday:

"Canal Zone policemen and firemen have been highly commended by Gov. W. E. Potter for their actions Tuesday in dealing with agitators along the Canal Zone-Panama borders on both sides of the isthmus.

"The Governor praised the policemen and firemen for acting conservatively at all times and making every effort to avoid incidents. The men were told that the restraint and self-control exercised in the face of reckless, unreasonable provocation by large hoodlum elements of an uncontrolled crowd undoubtedly served to avoid what could have been tragic consequences and that they had done an outstanding job for which they could ever be proud.

"Casualties among the policemen and firemen totaled between 45 and 50 during the day's disturbances. On the Pacific side, one fireman was admitted to Gorgas Hospital with a fractured knee. Ten other firemen were given first aid treatment at the hospital and eight other firemen and seven officers treated on the spot. Twenty-one police officers were treated at Gorgas Hospital for cuts and bruises from flying rocks, hunks of concrete and other objects.

"On the Atlantic side, three police officers were struck by rocks and other objects. One officer's helmet was smashed and his head cut. They were sent to Coco Solo Hospital for first aid treatment but were able to return to duty when needed. One firefighter on the Atlantic side was bruised by rocks but did not require hospital treatment.

"Governor Potter requested assistance from the military forces at 2:26 p.m. Tuesday after Canal Zone policemen and firemen had faced demonstrators on the Pacific side for 4 hours and when a similar incident be-

gan on the Atlantic side. The Canal Zone Government since early morning had been perturbed at the failure of the Guardia Nacional to appear in the area of the mob gatherings. At any time the disturbances at the border could have been stopped had any positive action been taken by Panama.

"Considerable property damage was reported on the Pacific side.

"Demonstrators pushed five private automobiles into a fire which they had started when a bus dispatcher's shack on Shaler Road was overturned and set ablaze. There was extensive damage to the exterior of the Ancon Masonic Temple and to the windows and grounds of the Catholic Home of the Maryknoll Sisters on Tivoli Avenue. The Sisters were forced to evacuate the building. Street lights along Tivoli and Fourth of July Avenue were broken and three plate glass windows smashed by rocks at the Fern Room of the Tivoli.

"Four Canal Zone police radio cars were damaged; windshields and windows were broken and the bodies dented. Windows were knocked out of the official sedan assigned to the chief of the Canal Zone fire division. The body of one fire truck was dented and sections of fire hose were slashed with knives.

"Some of the worst damage was at the Panama City railroad station where looting was still going on Wednesday morning. Demonstrators set fire to a passenger coach standing on the station track, burning it to the sills. At least three private automobiles, some of which belonged to railroad personnel, were burned in the same fire.

"The baggage room at the Panama station was looted and the small office enclosure in the baggage room burned. A large safe in the baggage room was stolen. One of the railroad's car inspectors was struck on the head by rocks.

"The Panama freighthouse was open for business Wednesday morning with National Guardsmen on duty in the freight yards.

"Tuesday's disturbances caused little absenteeism in company-government offices and units Wednesday although a number of employees reported late. A few Panamanian employees had previously requested time off for the national holidays and they had not been expected to report.

"Buses were not running into the Canal Zone from Panama but bus service within the Canal Zone was operating out of a temporary bus station near the Ancon Laundry.

"Crews from the community services division were out along the Pacific side border streets Wednesday morning cleaning up the debris left from the disturbances Tuesday.

"Classes were suspended Wednesday at the Ancon Elementary School where a gasoline bomb was thrown at the school gymnasium just off Fourth of July Avenue before sunrise Wednesday morning. All other Canal Zone schools are operating as usual as were traffic through the canal and company-government activities.

"Using a Balboa fire department pickup truck as a base of operations, the supply and community service bureau handed out 500 sandwiches and served 25 gallons of coffee prepared by the zone policemen and firemen Tuesday, from noon on, when it became evident that they would be unable to go home for lunch. There also were 75 hot meals served at the Balboa fire station to the men standing on the ready there."

[From the Panama American, Nov. 6, 1959]

ALL TROOPS NOW BACK FROM BORDER—REPUBLIC WILL REMAIN OFF LIMITS "TILL AGITATION CEASES"—GAITHER

The Canal Zone-Republic of Panama frontier on the Atlantic side was scheduled to return to normal at 3 p.m. today with the Army handing back responsibility for border control to the Canal Zone police. The same handover took place yesterday afternoon on the Pacific side.

The troops which have been withdrawn from the perimeter of the Canal Zone are being held in reserve positions. Some of them are back in their barracks, while others are being held close by the areas which were Tuesday's front lines.

Panama remains off limits to U.S. servicemen and their dependents, and according to Caribbean Command boss Lt. Gen. Ridgley Gaither will remain so "till the agitation ceases and I feel it safe for my personnel to enter the Republic."

It is understood Canal Zone Gov. William E. Potter, who has advised civilian residents of the zone to keep out of the Republic, shares Gaither's views.

Four Panamanians arrested during Tuesday's frontier fracas appeared in Balboa Magistrate's Court today.

Meanwhile charges of reprisal rose in Panama over Canal Zone cancellation of certain supply purchasing in Panama till zone inspectors can inspect the manufacturing processes.

It is believed that the inspectors will not return to the plants in Panama till the city is again on limits and Potter cancels his advice to stay out of town.

At the time the purchase restrictions went into effect, Potter instructed zone health and supply officials that inspections should be resumed as promptly as was practical. It was emphasized today that the purchasing restrictions were imposed jointly by the Panama Canal and Caribbean Command.

Work started today on tidying up the zone in the wake of the Independence Day affray. Nothing was yet being done about the looted Panama City and Colon Railroad station. The extent of the damage to these two buildings has not been assessed yet.

There was a slight flurry of frontier activity this morning and yesterday at Shaler Road, where three cars were burned Tuesday. National Guard forces were swiftly on the scene, and nothing developed.

The withdrawal of troops from the Canal Zone frontier on the Atlantic side followed an uneventful Colon Day, when thousands of celebrators traveled over from Panama.

One U.S. source today gave much credit for the Atlantic side tranquillity to Panama's 1903 heroine Miss Aminta Melendez, who was flying the Panamanian flag at half staff on her home following Tuesday's Canal Zone-Republic of Panama violence. Much respected in Colon, she called the U.S. Consulate there to express her regret at Tuesday's developments.

In Balboa Magistrate's Court today Ezequiel Gonzalez Nunez, a 16-year-old Panamanian student, and a man of a similar name, Ezequiel Gonzalez Meneses, 23, unemployed, were called for trial jointly on charges of disturbing the peace, November 3.

The parents of Gonzalez Nunez were present. Though Gonzalez Meneses had been given opportunity to contact his family, he told the court he had not reached them. Both had been given continuance to see counsel, but at first neither was represented by an attorney.

After the taking of evidence started, Panamanian attorney Woodrow de Castro, who was present to represent another defendant, Luis Humberto Barletta, offered to represent the two young men free of charge and they accepted.

Barletta, 47, a garage man, is a half brother of Panama's second vice president, Heraclio Barletta.

The Gonzalez pair's case lasted all morning and was to be resumed this afternoon. Barletta, who is also charged with disturbing the peace, will be tried next.

NOISY GROUP

Testimony by Captain Gaddis Wall, District Police Commander at Balboa, outlined to the court how Gonzalez Nuñez, bearer of a large Panama flag, had been one of a very noisy group which became increasingly disorderly on Tivoli Avenue Tuesday morning, pushing and shoving police and refusing to obey police instructions to stay on the Panama sidewalk after the disturbance had reached the point where they had been asked to do so.

The location of the Canal Zone boundary at this point was established, and Wall testified that the point where Gonzalez Nuñez was arrested was 5 or 10 feet inside the Canal Zone border.

WIPED FLAGS

Several times Wall said, the crowd had touched Canal Zone police with their flags then wiped the flags with their handkerchiefs to denote they were now dirty.

Finally Gonzalez Nuñez draped his flag around the neck of Canal Zone Policeman John F. McDowell.

Police Chief B. A. Darden, who witnessed the incident, ordered the arrest.

At this point, Gonzalez Meneses detached himself from the hostile crowd and tried to take the student away from police.

In court this morning to observe proceedings was Panama's acting director of physical education, Alfredo Minutto.

Attorney Carlos Garay, of the Foreign Office, was seated inside the court rail.

Earlier this morning a student committee had called on both the Education and Foreign Ministries to ask that they interest themselves in the young defendants' behalf.

In court earlier, a disturbing-the-peace case against Cayo Julio Rodriguez, 18, Panamanian, was dismissed on the government's motion. He had been accused of making obscene gestures toward police and troops on Thatcher Highway on Wednesday.

TODAY'S INCIDENT

This morning's Shaler Road incident took place when canal employees began clearing burned automobiles and other rubbish from the bus parking lot there—scene of much of Tuesday's rioting.

In the process a small Panama flag was found attached to part of a light pole. When it was being removed a group surged over from Panama, but the trouble was shortlived.

Shortly after 3:30 p.m. yesterday a crowd which had grown to approximately 300 people gathered in Panama near the Legislative Palace just off Tivoli Avenue.

Members of the crowd planted a 3 by 5½ foot Panamanian flag mounted on a mop handle as a mast in the Canal Zone about 30 yards below the Tivoli guest house parking area.

Maj. B. A. Darden, chief of the Canal Zone police, who had been alerted to the situation, telephoned Lt. Col. Saturnino Flores at the Guardia Nacional Headquarters in Panama.

Darden requested the cooperation of the guards in restraining the crowd to avoid violence while the flag was removed from the zone.

Within minutes a detachment of National Guardsmen mounted on motorcycles and in patrol cars arrived at the scene near the Legislative Palace and restrained the crowd.

The flag was removed by a Canal Zone policeman without incident.

Darden advised the National Guardsman in charge of the detachment that the Guardia Nacional could obtain the flag at any time desired from the Balboa police station.

Following the incident Henry L. Donovan, Director of the Canal Zone Government's civil affairs bureau, dispatched a letter to Flores, second in command of the National Guard stating:

"Dear Comandante Flores:

"I want to express sincere appreciation for the immediate response by the Guardia Nacional this afternoon when Major Darden telephoned you to request cooperation in restraining the crowd which had gathered

and planted a Panamanian flag in the Canal Zone. The immediate reaction on this occasion served to avoid what might well have resulted in further unfortunate incidents.

"We both can take pride in this fine example of what can be accomplished by the rapid cooperation of the Canal Zone police and the Guardia Nacional in a tense situation."

COUNTERMANDED?

In reference to Darden's denial yesterday that he had been unable to control his men Tuesday and that one of his orders were countermanded by Potter, National Guard commander, Col. Bolivar Valarino today backed up the report made by National Guard Capt. Manuel J. Hurtado regarding Darden.

Vallarino said Hurtado based his report on statements made by Darden in the presence of several persons including newsmen.

Hurtado's report said Darden had agreed in his presence to allow small groups of students to enter the Canal Zone with flags but later welshed on the agreement when he was countermanded by some higher authority, "probably Governor Potter."

Vallarino praised Hurtado as a levelheaded and conscientious officer who has never had any reason "to resort to slanted interpretations."

Meanwhile Canal Zone community life proceeded more or less normally, except for the Ancon elementary school which remained closed today.

There are 393 pupils in the Ancon school, most of them tuition students whose parents reside in the Republic of Panama.

The Ancon School has been closed since Wednesday.

The first street lights to be repaired today were three located near the Shaler Road bus terminal section. Before work could be started a Panamanian flag was removed from the top of one pole and the remnants of flags were removed from one other.

Street lights damaged in the Shaler Road area included six light standards which had been torn down and three others with broken light shades and bulbs.

It was expected that street lighting in the section of the city would be in full operation by the end of next week.

TELEVISION FILM LOST

Two weeks' worth of television film was destroyed by members of a mob when they looted the baggage room of the Panama railway station in Panama City and burned a railroad car Tuesday, Caribbean Forces network announced yesterday.

As a result it will be necessary for CFN to telecast repeat programs from now through November 29, until more film can be obtained from Armed Forces Radio and Television Service in Los Angeles.

CANAL ZONE BLAMED

Panama City newspapers today continued to put the blame for last Tuesday's incidents at the Canal Zone border on zone authorities in particular and U.S. officials in general.

The morning tabloid Critica editorially blamed Potter for the worsening of relations between Panama and the United States.

"Undoubtedly our problems with the United States have been becoming more aggravated by the noncompliance with treaty obligations.

"But * * * the deepening of the resentment and the crisis which has arisen within the last few days in our relations with the United States, are also due * * * to the inefficiency, lack of respect, abuse, and even ignorance of an official like William Potter * * *" the editorial said.

WOUNDED PICTURED

The other morning tabloid El Dia published pictures of those who received bullet wounds in Tuesday's fracas at the Panama-Canal Zone boundary.

One Carlos Emilio Santanach, who has a bullet wound in his left leg, said he was shot by an American soldier.

However, Salvador Herrera, who was shot in the right leg; Nicolas Perez Amores, also shot in the left leg, and Cecilio Jimenez, who has a bullet encrusted in his lower jaw, all declare they were shot by Canal Zone policemen.

Another of the injured from ball ammunition is 12-year-old Gloriela Moran, who has a serious bullet wound in the stomach according to Santo Tomas Hospital charts.

Yesterday, both Canal Zone military authorities and Darden said no ball ammunition had been fired by soldiers of Canal Zone policemen during the fracas.

Military authorities admitted one of the demonstrators had been prodded with a bayonet. Santo Tomas Hospital reported treating nine persons with bayonet wounds.

REPRISALS

Editorially, El Dia rapped Canal Zone authorities for taking economic reprisals against Panama by suspending purchases from local merchants.

The editorial recalled the actions of the Red Army in Budapest and Warsaw and wondered whether "the United States intends to apply sanctions to Panamanians simply because they want to be free and to exercise the sacred right of being free."

In one of two editorials, entitled "The Big Stick," the noon tabloid La Hora also referred today to the suspension of Panama deliveries to the Canal Zone, calling it "economic aggression undoubtedly aimed at submitting us to their exclusive will."

In the other editorial, La Hora called for the "removal of the Canal Company officials responsible for the armed intervention of American troops" in Tuesday's fracas, "as absolutely indispensible to opening the way for a return to normalcy and peace."

Yesterday, an editorial in the government newspaper El Pais pleaded for unity and good judgment on the part of all Panamanians.

That editorial, like others published yesterday and today in some Panama City newspapers, deplored the desecration of the American flag at the U.S. Embassy Tuesday, but insisted in the official government view that this incident was preceded by "the trampling and desecration" of the Panamanian flag by a Canal Zone policeman during the height of Tuesday's clashes with Panamanians attempting to enter the Canal Zone carrying Panamanian flags.

WASHINGTON

Meanwhile stateside, in Washington, Dr. Arturo Morgan Morales, chargé d'affairs of Panama, insisted today that Canal Zone police had torn down a Panamanian flag, provoking Panamanian demonstrators to attack the U.S. Embassy November 3.

The United States yesterday denied that it was responsible for the rioting. State Department spokesman Lincoln White said the United States had done nothing "to inflame the situation."

But Morgan Morales said that the Panamanian charges were supported by eyewitness accounts of U.S. newsmen to reports that Canal Zone police "tore down" a Panamanian flag tied to a lamp post by students who had entered the Zone.

DIFFERENCES

The Panamanian official said the demonstrations also resulted from long-standing differences between Panama and the United States over the interpretation of the 1955 treaty.

He said that the wage dispute was only one instance of "a series of misunderstandings."

Morgan Morales said Panama also disagreed with the U.S. policy to purchase foodstuffs for Canal Zone forces in areas outside Panama or the United States.

Morgan Morales called for "strict application" of the treaties and perhaps some changes. He also said it would be "a good idea" if Panama received more revenue from the canal.

"Panama feels she doesn't have all the advantages she should have," he stated in a recorded television interview.

BRASS TACKS OF THE ICC ADMINISTRATIVE PROBLEM

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, for many years there has been considerable discussion of the independent agencies as an instrumentality of government. Administrative practice and procedure generally have likewise recently received much attention.

Emphasis has been focused by the reports of the Commission on Organization of the Executive Branch of the Government, "Legal Services and Procedures"—March 1955. Similarly, congressional investigations have spotlighted difficulties in the tremendous area of agency operations and administrative procedure.

Many remedies are currently being discussed. Included are reorganization, uniform rules, abolition, division of responsibility, and other major reforms.

Anthony F. Arpaia, Commissioner and former Chairman of the Interstate Commerce Commission, is a brilliant and articulate lawyer. He has an intimate and comprehensive knowledge of the operation of our first independent agency, the ICC.

Recently, Commissioner Arpaia delivered an address at the New England Transportation Futurama, sponsored by the Transportation Association of America and the New England Council. His speech makes a strong case against the blunderbuss approach to solving the Federal administrative problems. He speaks clearly and forcefully. In a straight-from-the-shoulder attitude, he delineates the necessity of a selective approach using the ICC as an example. I know my colleagues will be interested in this timely speech, appropriately entitled "The Brass Tacks of the ICC Administrative Problem," which follows:

THE BRASS TACKS OF THE ICC ADMINISTRATIVE PROBLEM

(Address by Anthony Arpaia)

By the very title of this conference—"Transportation Futurama"—it is clear that your concern is with the future of transportation, not with its past. That future, in large measure, will depend on the part the Government will play in its regulation. No law is self-executing. Therefore, the means by which the Interstate Commerce Act is administered will be an essential part of its future.

Transportation regulation is now, and will for some time be, generally accepted as a necessary function of Government. Two aspects of it are presently under official inquiry and study. First, its scope, and secondly, its effectiveness and efficiency. In other words,

the answers to two questions are being sought: How much regulation do we need, and how should it be administered?

Perhaps the two topics cannot be completely separated, but I shall confine my discussion today to the subject of the Federal regulatory machinery. As a preliminary observation, I will say that the present total cost to the taxpayers for the regulation of surface transportation is modest. Hence, assuming that Government control will continue, the real question is, How can we get the most and best results for that cost?

Experts in and out of Government have for some time given this subject considerable attention. In fact, in the last 30 years there have been 22 official investigations dealing primarily or exclusively with the organization of the Interstate Commerce Commission. This number does not include those now under way. In addition, there have been many independent studies by outside experts. From such sources have come numerous proposals for the reorganization of Federal transportation functions. These proposals differ widely in extent and practicability. Some would go to extremes. To a few, the so-called independent agency, in spite of what the courts have said, is extraconstitutional. They would abolish it entirely. Others belong to the "standpat," negative school—they resist any change.

These extremists live in the past in varying degrees. Those who consider the independent agency as a headless fourth branch of the Government resort, in part, to conditions prevailing during the reign of James the First of England and the 18th century to support their thesis. On the other hand, the "standpatters" give no weight to the massive economic and technological changes which have revolutionized transportation in the last quarter century.

I do not question the sincerity of any of them. But sincerity is not the issue. Sincere men can be wrong, as history has repeatedly shown. Our concern is with reality, not with theorems; with utility, not abstractions. What we need first are the facts—a particularized analysis of the present operations. Then, and only then, can we evaluate necessary changes. Now, what are the facts?

Although the Interstate Commerce Act has seen major amendment from time to time, the Commission's organizational structure has remained essentially unchanged since its formation. True, in 1952 the Senate hired an outside group of management experts who made some recommendations in what was known as the Wolf Report. This resulted in some functional realinement of Bureaus within the Agency and the creation of the Office of Managing Director, whose duties are principally of the housekeeping type, but the Commission still remained the repository of an assortment of duties and the horizontal layers of authority remained undisturbed.

Until 1935, with slightly over 100 class I railroads and several hundred short-line and switching railroads within its jurisdiction, the combination of quasi-legislative, quasi-judicial, and administrative functions in one agency was manageable. At that time transportation problems were homogeneous and limited.

Vast changes began with the Motor Carrier Act of 1935. This and subsequent legislation not only added to the adjudicatory burdens, but thrust an unprecedented volume and variety of duties upon the Commission.

Before motor carriers were regulated, the administrative chores, for example, those relating to safety, locomotive inspection, service, compliance, accounts, annual reports, investigations, and statistics were incidental and closely related. The policing job was likewise limited—a railroad's operating rights were not restricted as to commodities, and its territorial authority could hardly be violated—it ran on fixed tracks between fixed points. None of the complications arising out of ambulatory operations of motor carriers existed. These complications were made worse by certificate restrictions of territory, routes, commodities, and service. The tariff filings of railroads were few in number as compared with those now filed for 18,000 or more motor carriers of various classifications, water carriers, and freight forwarders. There were no insurance requirements for railroads. Their equipment was more standardized and there was more uniformity in safety appliances, equipment, and operations.

Railroads did not require extensive Commission supervision over hours of service, keeping of logs, and minimum qualifications of hundreds of thousands of drivers. It was not necessary to police passenger bus requirements, brokers' licenses, shippers' associations, and illegal public transportation. To add further to this list of administrative burdens, the Commission became responsible for the safety of operations of millions of trucks engaged in interstate commerce, even though they are exempt from economic regulation, or are privately operated.

As a matter of fact, as of now, of the 2,286 people employed by the Commission, 1,429 or 62.5 percent, most of them in the field, are chiefly engaged in purely administrative duties which have little or no relation to the quasi-legislative and quasi-judicial functions which are, and should be, the Commission's principal concern if the shipping public is to be protected and the national interest in the economic soundness of public transportation is to be preserved.

Although the work of the Commission is split along functional lines by Bureaus, the responsibility of the Commissioners at the top is not, and cannot under the present system be so divided. Therefore, the underlying issue in the investigations and studies directed toward the improvement of efficiency of the Commission, whether recognized or not, is: Is it practical and realistic for a body of 11 men to effectively manage such extensive administrative tasks and, at the same time, properly perform their adjudicatory functions?

In addition to the fact that some of these duties are somewhat incompatible, there is necessarily an inordinate drain on the time of the Commissioners and diversion of attention and energy from the functions for which a Commission-type organization is essentially adapted and needed. But of greater moment is the organizational monstrosity presented when 11 Commissioners must somehow find the time, in between the heavy workload of deciding cases, to meet, deliberate and agree to take action necessary to give efficiency and direction to such completely administrative operations as I have mentioned.

One might as well expect a quarterback in the huddle to get a majority vote of the 11 men on a football team before putting the ball into play. The Commissioners do the best they can but the very cumbersomeness of majority approval as applied to these purely administrative matters makes it difficult to get action at all, since everybody's business shortly becomes nobody's business, and nothing is so frustrating as the eternal hanging on of an incompleted task.

The public and the Congress properly expect the Commissioners, not staff people, to account for every Commission action. The amount of time they must spend in answering mail, preparing regular and special reports, giving formal testimony on matters such as inadequate supply of cars, accidents, violations, accounting rules, safety and administrative efficiency, et cetera, sometimes reaches extraordinary proportions. Commissioners are held answerable too for the action, or lack of action, of the staff wherever located or whatever their duties.

Without question, matters which involve the determination of reasonable rates, public convenience and necessity, unjust discrimination, consistency with the public interest, reorganizations, the propriety of securities' issues, and the many sections of the act which require the establishment and interpretation of statutory policy, are functions which justify the judicial type of approach and composite judgment.

To develop rules and regulations covering uniform accounting, safety, filing of reports, and related activities, however, requires information, education, consultation, and negotiation in the first instance. It is only after such methods fail to produce a rule or regulation which will serve public purposes that the true quasi legislative function comes into play. It is then that a hearing or representations by all sides is necessary. If a new rule, or a change in a rule proposed by a bureau, is not accepted, the Commission, in the capacity of an independent, impartial agency resolves the problem.

Once the rules, regulations, or standards have been set, however, the duty of administering inspection, supply of cars, compliance with insurance requirements, compliance with hours of service, maintenance of drivers' logs, inspection of safety appliances and equipment, filing of reports, checking accounts, keeping of statistics, investigation of violations, and enforcement is a straightline managerial and administrative job requiring clearcut action. For this job, one-man management would be more appropriate and more effective.

The adjudicatory functions of the Commission have become of such complexity and magnitude that they allow little time for other tasks. They were enormously increased by legislation between 1935 and 1958. The Motor Carrier Act of 1935 immediately involved a flood of processing over 80,000 grandfather certificates for operating authority, plus the ever-continuing stream of applications for new authority since that time.

The transportation policy of 1940 changed the entire theory of regulation. Until that time the function of the ICC was mainly to protect the public against unreasonable or discriminatory rates. With the regulation of competitive transportion services and the adoption of the policy, in addition to its original function, the Commission was required to maintain healthy competition between carriers of all kinds while preserving the inherent advantages of each. Because of intense competition, the volume and complexity of rate, operating rights, control and merger, and other proceedings increased enormously.

A few statistics will illustrate the changes in the workload. To use only the most important categories of matters involving economic interests of the public and the carriers as an illustration: In 1934, there were only 61 proceedings authorizing extension of operating rights of railroads. In 1958, there were 3,895 proceedings for operating rights of all kinds, not including 3,999 applications for temporary authority. In 1934, there were 127 investigation and suspension rate cases; in 1958, there were 1,865 investigation and suspension proceedings In 1934, there were only 18 proceedings involving the acquisition, consolidation, or control of carriers. In 1958, there were 1,425 matters of this type.

Recent legislation further increased the workload. The rollback of exempt commodities with grandfather rights, the redefinition of contract carriage, the jurisdiction over discontinuances of passenger services, and the Government guarantee of private loans to railroads created another batch of matters requiring adjudication.

An example of the incompatibility of the position of the Commission arises out of its

responsibility in connection with the Government guarantee of loans. The Commission must, by law, determine whether an applicant railroad is eligible for a Government guarantee of a loan from private sources. Whether the applicant is qualified by the standards set by Congress for such assistance is a true quasi-judicial determination.

However, experience has shown that the Commission also is placed in the position of being the contracting party for the Government. It must prepare, negotiate, and sign the guarantee agreement, and supervise the loan. It administers the provisions of the loan and guarantee agreement, has the power to alter and extend the loan terms, declare a default if necessary, accept the collateral and pass upon it when default occurs. Although the situation has not yet arisen, I would assume that the lenders would expect the Commission to obtain the necessary appropriation from Congress in the event of a default. These are not adjudicatory tasks.

Is it appropriate that the Commission be required to fill the role of an interested party, when it must adjudicate matters which may vitally affect the economic interests of a railroad loan applicant during the life of the loan? Suppose, further, the railroad should wind up in bankruptcy—the Commission would be required to pass on a plan of reorganization in which it, as a party participant, was responsible for the creditor status of the U.S. Government. It is not only an inconsistent role but, frankly, downright uncomfortable.

Now, what does all this mean? It means simply that the heavy demands on the Commission's attention and time for purely administrative duties not only serve to impede the efficient exercise of adjudicatory functions, but that failure to distinguish between the two has given some color to the insinuation of those who would scuttle independent agencies that administrative law has degenerated into administrative lawlessness.

Confronted as we are with this situation—what course of action should be taken?

The answer, in my judgment, will not be found in the attitude of the apologists for the status quo nor of those critics who, thinking only in terms of the strict concepts of the pure judicial process, would scrap the entire system by dividing the functions of the Commission between several new agencies and courts.

The use of courts for the job of regulating transportation, in my judgment, is unworkable. Modern conditions require tools that are more flexible than detailed legislation enforced by formal judicial process. The Commission, as an independent agency performing a blend of quasi-judicial, quasi-legislative functions, has become a necessary instrument of Government. As such, it is characterized by flexibility, relative informality and is inexpensive and simple in its application. However, to insure its workability, this basic function should be freed from the impediment of duties which have become incompatible with its primary job of protecting users and preserving the economic values of transportation in the national and public interest.

What then is the alternative? Stubborn uncritical acceptance of the present organization solves nothing. Nor will its solution be advanced by sensational, generalized headline-making attacks on all independent agencies, on the erroneous assumption that their functions, processes, and burdens are alike.

I am not intimately acquainted with the specific problems of other administrative agencies and, from some of the comments others have made about the ICC, it is obvious that those who speak concerning us have only superficial knowledge of ours. The one thing which I do know is that in the light of substantial differences in the workload, distribution of functions, and statutory objectives, those who would apply a bludgeon instead of a scalpel to cure the unspecified ills of all administrative agencies are as dangerous as the curbstone doctor. They, in effect, urge conformity for conformity's sake. Yet, the greatest inequality results in trying to equalize the unequal, and the graveyard of progress is conformity.

If what I propose for the ICC is not spectacular, it is because the defect itself is not obscure or complicated. In my opinion, we can preserve the broad, flexible advantages of the ICC as an independent agency by a simple excision.

Those duties which are essentially managerial or administrative, so-called line functions, can best be performed by a single administrator. They require direct action and responsibility. Therefore, some means should be found to separate them from the Commission. This can be done by a vertical division of the Commission into two separate bodies: one to take over the administrative job and the other to retain the quasi-judicial and quasi-legislative work. Such a plan would preserve the experience and advantages of the present system without disruption and expense; it would require minor adjustment and, even if it were imperfect, could be tried without being irrevocable. As a transitory step—the administrative operations could be assigned exclusively to one of the Commissioners who could be freed of other duties.

I may add that my suggestion is not new or original. In fact, it was first made 30 years ago by a committee of the National Industrial Traffic League, an old established organization which represents all of the shippers of the United States. The majority of the committee favored dividing the ICC into two bodies; one for the control of rates, etc., and one for the control of facilities. If it was a valid judgment under conditions prevailing then, it should be more than valid now.

Those who would destroy administrative agencies would have us believe that there is something fundamentally wrong in the delegation of quasi-legislative duties to such agencies. Now, I don't mean to imply that the agencies haven't made mistakes, that their judgment is infallible, or that there isn't room for improvement. So long as the affairs of men are run by men and not machines, this is inevitable.

Nevertheless, their criticism sounds petulant, carping, and artificial. I hate to say this but I'll tell you why I think so. Every decision of the Commission touches the pocketbook and the emotions of someone—not remotely, but directly. It may be a carrier or a group of carriers, a shipper or an entire industry, a form of transport or all of the transportation industry. They could and do disagree, at times vigorously and bitterly, with our decisions. While some want more regulation and others less, none of them, to my knowledge, want to change the commission-type agency. Can it be that they harbor such sentiment and are unable or unwilling to give it expression? It is hardly likely.

Nowadays every conceivable activity in our economy is highly organized. There is no industry or trade that does not have a powerful association to speak for it; scarcely any part of our economic life is not represented in this fashion, from scrap iron dealers to florists. The segments of the transportation industry are similarly organized. These associations can speak for individuals and preserve the anonymity of their members. They are informed, alert, capably staffed, and vocal. It is improbable that they would permit coercive tactics, official abuse of power, arbitrary intervention into private business, and improper decisions to prejudice the interests they represent.

The interests of all these groups are in sharp conflict in matters coming before the Commission. A decision, at times, can hurt some of them to the tune of millions of dollars. Would such powerful associations, including labor, industry, shippers, farmers, taxpayers, chambers of commerce, public officials, practitioners, and motor carrier lawyers, long tolerate the exercise of control over the affairs of their members by a bumbling, inept, arbitrary, or illegal bureaucracy? Are those who are vitally affected clamoring for the abolition of the Commission? There is no such evidence.

The Supreme Court of the United States has upheld this delegation of power repeatedly. Those who pratcice before the ICC are satisfied with the fairness of its procedures. In fact, they themselves have helped to formulate them through the years. Although the ICC disposed in 1958 of more cases on the merits than all the civil cases decided during the same period by all the Federal courts of the United States combined, out of 44 cases appealed to the courts in the fiscal year 1959, the Commission was reversed in only 16 percent. By comparison, Federal district courts have been reversed in 23 percent of the cases appealed to the circuit courts.

Until recently, all the attacks of those who would jettison the independent agencies have been from people who had little contact with them. On September 10, 1959, Louis J. Hector, who had a short experience with the CAB, quit with a dramatic valedictory which got considerable publicity. He claims that the problems of the CAB are "born of the very concept of the independent administrative commission." I cannot agree with him that the machinery regulating the economics of transportation should be uprooted for some untried substitute. You don't tear down a structure which is essentially sound. If there are defects, you repair; if there are insects, you fumigate.

I conceive it to be the duty of a public officer to explain the strengths and weaknesses of our regulatory processes, not on the basis of pique or personal philosophy but on the basis of facts and logic so that those who must be served can make a necessary evaluation. In my experience of many years, as a transportation student, practitioner and member of the Commission, the only substantial complaint I have met is that of delay.

Delay is due to congestion; many courts also have delay. Delay cannot be cured by further constipating the functions of Government by added bureaucracy; or by substituting cumbersome, impractical machinery of three or four separate overlapping agencies for the work now performed by the Commission. Businessmen are realists. They want decisive and prompt action, since plans involving considerable investment often depend upon them. They don't want more redtape, delay, and the opportunity for pettifogging. As a matter of fact, the complicated setup proposed by some could drive a businessman to desperation.

I have tried to give only a general outline of the appropriate separation of functions. It may be that, although annual and other reports of carriers, and the supervision of accounts, etc., are administrative, the economic experts and the cost-study experts now with such bureaus should remain within the Commission. It is quite possible. I am not, within the limits of this talk, trying to delineate a detailed plan.

This proposal does not, of course, in any way preclude the improvement of procedures and processes of regulation which the Commission is actively and energetically pursuing. On the contrary, it would encourage

and promote such improvement by affording the Commissioners the time necessary to devote to such ends without the diversions and distractions they now face.

New demands on transportation arise constantly in a dynamic economy. No one can tary requirements make its public transdeny that the Nation's economic and millportation more and more indispensable. To the extent that the ICC can contribute to giving vigor and dynamism to our transportation system, this is a full-time job. In the face of indicia that our present transportation media must move fast to match the expanding needs of this Nation, I wonder if we have any choice in the matter of tuning up its regulatory machinery.

UNITED NATIONS CHARTER REVISION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. PORTER] may extend his remarks at this point in the RECORD and to include a resolution.

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

There was no objection.

Mr. PORTER. Mr. Speaker, on Monday I will introduce in the House a concurrent resolution on behalf of myself and Mr. ADDONIZIO, Mr. ASHLEY, Mr. BLATNIK, Mr. CLARK, Mr. FOLEY, Mr. JOHNSON of Colorado, Mr. KASTENMEIER, Mr. LANE, Mr. MCDOWELL, Mr. MEYER, Mr. MONTOYA, Mr. MOORHEAD, Mr. POWELL, Mr. QUIGLEY, Mr. RHODES of Pennsylvania, Mr. RIVERS of Alaska, Mr. RODINO, Mr. ROOSEVELT, and Mr. WOLF. The group of resolutions will be dropped in the hopper en bloc at noon on Monday. If any other Member, on either side of the aisle, would like to join with us in this, I ask that he please let my office know as soon as possible and no later than 10 a.m. on Monday. Of course, any Member may introduce a similar resolution at any time subsequently during the current Congress and I hope that many will do so.

This resolution deals with a matter of the utmost importance to our country—the peace of the world. It calls for top level study and for further initiative by our country aimed at strengthening the United Nations. A companion resolution is today being introduced by Senator JOSEPH S. CLARK and a number of his colleagues in the other body.

No issue, Mr. Speaker, which now confronts mankind ranks in importance with the issue of whether we will have war or peace. Regardless of precisely how disastrous one believes a modern nuclear war would be, there is no question or doubt on the part of anyone but that millions would be killed, millions maimed, and the heritage of centuries destroyed beyond repair.

Faced with the magnitude of the threat and conditioned by our inherited attitudes toward the problem of war, I realize that many of us find it difficult to know where we can begin, with firmness and sense, to work toward a saner solution.

Yet how can we seriously hope to find solutions to any problem until we determine what our long-range objective is? How can we relate our planning, our proposals, and our policy in a purposeful way to our objective as a Nation until we know just what our objective is?

I submit that there are several oft-stated fundamental propositions on which there is wide agreement:

First. We do not want war.

Second. Nuclear war would be a terrible disaster.

Third. We would prefer not to have to spend $41 billion—or more—on armaments each year.

Fourth. We feel we must in order to deter aggression by the Communists.

Fifth. We would like to disarm, but we cannot trust the Communists.

Sixth. We, therefore, quite rightly insist on adequate inspection and control measures before we will disarm.

If, as I believe, there is broad agreement on these points, then I submit that this is where we should start our thinking and not continue to belabor these points over and over and over again.

Since we do not have reason to trust the Communists, what inspection, control, and enforcement machinery are we prepared to propose and accept which would eliminate to the maximum extent possible reliance on trust alone by either party? Until we have determined, with great care, the answer to this question, how can we say that we are prepared, under such and such conditions, to join other countries in disarming?

Until we have determined the conditions which we would accept and have set them forth to the world, how can we know that any given nation will not accept them? Even more important, how can we hope to gain the support of other nations for our proposals and that essential understanding of their reasonableness and fairness which would build up a strong world opinion in favor of disarming under conditions which the United States feels will be safe for all?

This determination on our part is essential for progress which will be acceptable to us and which will gain us, for a change, the initiative in disarmament matters. The rest of the world is waiting for us to speak.

Any consideration of disarmament, Mr. Speaker, leads to consideration of national security. This in turn leads to consideration of those institutions which will be required to guarantee national security in a disarmed world. Since the United Nations is the major international organization charged with keeping the peace, it is natural to consider whether the United Nations is able to provide this security or whether it will need to be made stronger to fulfill this essential task. If it needs to be made stronger, as I believe, then specific measures for strengthening the United Nations or for creating some appropriate international machinery must be an integral part of our consideration of disarmament.

During the disarmament debate at the 14th U.N. General Assembly last fall, many nations pointed out the fact that changes would be needed in the United Nations if the goal which the members of the U.N. had unanimously adopted, namely, "general and complete disarmament under effective international control," were to be made a reality.

Our own Ambassador raised three fundamental questions to which he said the United States seeks answers:

First. What type of international police force should be established to preserve international peace and security?

Second. What principles of international law should govern the use of such a force?

Third. What internal security forces, in precise terms, would be required by nations of the world if existing armaments are abolished?

This debate clearly indicated that we and many other member nations feel that study is needed to determine what changes might be made in the United Nations structure before we would feel we could reasonably rely on this organization and disarm in safety.

Mr. Speaker, the concurrent resolution which I am introducing and which many of my colleagues are also introducing deals with these very matters. It asks for high-level studies to determine what changes should be made in the Charter of the United Nations to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention. It urges that this country make specific proposals to strengthen the authority of the United Nations to prevent war when we meet with other nations in coming disarmament conferences. It urges that we seize the initiative that we began in 1955 at the 10th U.N. General Assembly to press for a U.N. Charter Review Conference and that we urge other governments to exchange views in preparation for this conference.

Now certainly is the appropriate time for us to capitalize on present auspicious international circumstances by pressing, firmly and sensibly, toward peace under a rule of law. At this point I include the text of the resolution:

HOUSE CONCURRENT RESOLUTION ——

Concurrent resolution expressing the sense of Congress in regard to United Nations Charter revision, and for other purposes

Whereas the basic purpose of the foreign policy of the United States is to achieve a just and lasting peace; and

Whereas there can be no such peace without the development of the rule of law in the limited field of war prevention; and

Whereas peace does not rest on law today but on the delicate balance of terror of armed force; and

Whereas the United Nations General Assembly at its fourteenth session unanimously adopted "the goal of general and complete disarmament under effective international control" and called upon governments "to make every effort to achieve a constructive solution of this problem"; and

Whereas a just and lasting peace would not be assured even if nations lay down their arms unless international institutions for preventing war were strengthened; and

Whereas the United Nations constitutes an important influence for peace but needs to be strengthened to achieve the rule of law in the world community; and

Whereas the United Nations General Assembly at its tenth session resolved that "a general conference to review the charter shall be held at an appropriate time"; and appointed a "Committee consisting of all the members of the United Nations to consider, in consultation with the Secretary-General, the question of fixing a time and place for the Conference, and its organization and procedures"; and

Whereas the United Nations General Assembly at its fourteenth session resolved "to keep in being the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter, and to request the Committee to report, with recommendations, to the General Assembly not later than at its sixteenth session": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States position at the next meeting of the Committee on Arrangements for a conference for the Purpose of Reviewing the Charter should be that the Committee recommends to the United Nations General Assembly that a charter review conference be held not later than December 31, 1962, and that member governments be requested to prepare recommendations and to exchange views with respect to United Nations Charter review and revision in order to facilitate the organization of the said conference and to further the chances of its success.

SEC. 2. The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, within twelve months after the date of approval to this resolution, the results of such studies.

SEC. 3. It is further the sense of the Congress that the United States should present specific proposals to strengthen the authority of the United Nations to prevent war, at future international conferences concerning disarmament and to the United Nations Disarmament Commission.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. FLOOD, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DULSKI.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 694. An act to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems; to the Committee on Education and Labor.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, February 1, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1738. A letter from the Acting Secretary of the Treasury, transmitting a report covering claims paid on account of the correction of military records of Coast Guard personnel for the 6-month period ending December 31, 1959, pursuant to 10 U.S.C. 1552(f); to the Committee on Armed Services.

1739. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend the act of June 25, 1910 (36 Stat. 857, 25 U.S.C. 406, 407), with respect to the sale of Indian timber"; to the Committee on Interior and Insular Affairs.

1740. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to donate to the pueblos of Zia and Jemez a tract of land in the Ojo del Espiritu Santo grant, New Mexico"; to the Committee on Interior and Insular Affairs.

1741. A letter from the secretary-treasurer, Congressional Medal of Honor Society, United States of America, transmitting the annual report of the Congressional Medal of Honor Society of the United States of America for the calendar year 1959, pursuant to Public Law 249, 77th Congress; to the Committee on the Judiciary.

1742. A letter from the secretary-treasurer, Congressional Medal of Honor Society, United States of America, transmitting the annual auditor's report of the Congressional Medal of Honor Society of the United States of America for the calendar year 1959, pursuant to Public Law 642, 85th Congress; 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:

Mr. MILLS: Committee on Ways and Means. H.R. 9662. A bill to make technical revisions in the income tax provisions of the Internal Revenue Code of 1954 relating to estates, trusts, partners, and partnerships, and for other purposes; without amendment (Rept. No. 1231). 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 XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POWELL: Committee on Interior and Insular Affairs. H.R. 9201. A bill to validate certain mining claims in California; without amendment (Rept. No. 1230). 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. BURDICK:

H.R. 10017. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. GOODELL:

H.R. 10018. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10019. A bill to amend title II of the Social Security Act to provide that a woman may be eligible for widow's insurance benefits regardless of her age if her husband was eligible for old-age or disability insurance benefits at the time of his death; to the Committee on Ways and Means.

By Mr. INOUYE:

H.R. 10020. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

By Mr. McMILLAN (by request):

H.R. 10021. A bill providing a uniform law for the transfer of securities to and by fiduciaries in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MERROW:

H.R. 10022. A bill granting the consent and approval of Congress to the northeastern water and related land resources compact; to the Committee on Public Works.

By Mr. METCALF:

H.R. 10023. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

H.R. 10024. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. MONTOYA:

H.R. 10025. A bill to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY:

H.R. 10026. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. PATMAN:

H.R. 10027. A bill to prohibit the Secretary of the Army from disposing of certain lands of the Camp Maxey Military Reservation, Tex., until it is determined whether or not the lands are required in connection with proposed improvements for flood control, water supply, and allied purposes on Sanders Creek, Tex.; to the Committee on Public Works.

By Mr. PELLY:

H.R. 10028. A bill to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft; to the Committee on Merchant Marine and Fisheries.

By Mr. RHODES of Pennsylvania:

H.R. 10029. A bill to prevent the use of stop watches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Florida:

H.R. 10030. A bill to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to the Committee on Interior and Insular Affairs.

By Mr. TOLLEFSON:

H.R. 10031. A bill to amend section 309(a)(1) of the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

H.R. 10032. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIER:

H.R. 10033. A bill to prevent the use of stop watches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. LINDSAY:

H.R. 10034. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 10035. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. FLYNT:

H.J. Res. 591. Joint resolution authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson; to the Committee on House Administration.

By Mr. TOLL:

H. Con. Res. 529. Concurrent resolution expressing the indignation of Congress at the recent desecrations of houses of worship and other sacred sites; to the Committee on Foreign Affairs.

By Mr. ZELENKO:

H. Con. Res. 530. Concurrent resolution expressing the indignation of Congress at the recent desecrations of houses of worship and other sacred sites; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 10036. A bill for the relief of Mrs. Takako Coughlin; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H.R. 10037. A bill for the relief of Igino Manetta; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 10038. A bill for the relief of Mrs. Taka Iwanaga; to the Committee on the Judiciary.

H.R. 10039. A bill for the relief of Mrs. Rufina Cabebe; to the Committee on the Judiciary.

By Mr. PROKOP:

H.R. 10040. A bill for the relief of Joseph Frost and Mary Frost; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 10041. A bill for the relief of Mario Rodrigues Fonseca; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The "Featherbedded" Farm Program

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 28, 1960

Mr. DULSKI. Mr. Speaker, the dictionary definition of "featherbedding" is "pay for unnecessary or duplicating jobs, or limiting the amount of work to be done in a day as a means of stretching work."

The American people, from one end of our land to another, have been treated to the spectacle of gigantic advertising campaigns by industry, leveling this charge against the workers in major segments of our industrial machinery. As a result of this campaign, featherbedding is considered to be unethical, immoral, and indefensible.

A careful review of Federal legislation relating to agriculture leads one to the inevitable conclusion that the greatest area of featherbedding in our country today is concealed in our farm subsidy program, wherein farmers are being paid for work not performed. Agriculture is one business in America where idleness is not only encouraged but is made profitable through taxpayer-supported farm subsidy programs.

The present featherbedded farm program is a sick program because it tampers with economic laws under various guises which cannot be amended, and has failed miserably to accomplish its announced objective of a high per family real income for the farmer.

I agree that farming must be encouraged, but not in this giveaway manner. Farming, as defined by the typical pastoral scene of a ruggedly individualistic individual and his family tilling the soil on a small farm, is a misnomer or smokescreen to hide the real beneficiaries of this subsidy program—the gigantic agricultural corporations which are the real culprits draining the billions of dollars from the Public Treasury.

The small marginal farmer is being used and referred to as a man of the soil, and must be preserved at any cost.

To put the corporation farmers on an equal status with the rest of the segments of our society, we should throw them off the overburdened backs of the American taxpayers who have carried them long enough on the flimsy arguments to justify the current featherbedding, and provide them only with disaster protection such as given the workers in industry-unemployment insurance or welfare. It is just as much a disaster for a worker to lose his job as it is for a corporation farmer to fail to sell his crop at an adequate price.

There is a growing revolt among the average taxpayers who are treated to the spectacle of an example of one farmer receiving $40,000 of hard-earned tax dollars in one year for keeping land out of production to pay for work not performed—the definition of featherbedding accepted by all.

The American people are being taken by the farm program.

Address of Vice President of the United States at Chicago Dinner With Ike

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, January 28, 1960

Mr. WILEY. Mr. President, last night the Vice President of the United States delivered an address at the dinner with Ike at Chicago, Ill. It is a remarkable speech in many ways. I quote merely one paragraph:

> As far as I am concerned I don't think we need to be too worried about their comments, because if you think what they said publicly about me was bad you ought to hear what they're saying privately about each other.

The Vice President referred to comments made previously about him.

In this speech the Vice President has demonstrated the judgment he has shown through his years in the Vice Presidency. His Office has certainly qualified him to step up higher, and recent polls indicate that is just what the people think.

Mr. President, his salutation of the President was superb.

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

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

TEXT OF ADDRESS OF THE VICE PRESIDENT OF THE UNITED STATES AT THE CHICAGO "DINNER WITH IKE," AMPHITHEATER, CHICAGO, ILL., JANUARY 27, 1960

This is a proud day in the life of this city, our party and our Nation. Seven and one-half years ago a great crusade was launched from this very hall to drive from our Nation's Capital a discredited administration and to elect as America's 34th President one of the truly great men of this century, Dwight D. Eisenhower.

Never in the history of this Nation has an administration more magnificently realized the dreams and objectives of those who worked and voted for its election. For the achievements of those years, the American people will be eternally grateful—the ending of one war, avoiding others and maintaining peace without surrender of principle or territory; unleashing our economy from arbitrary controls and encouraging and stimulating the creative enterprise of our people with the result that our Nation's prosperity has reached an all-time high; and above all the restoration of the highest standards of honesty, dignity, and integrity in the conduct

of the people's business by our national administration in Washington, D.C.

Every American who joined that crusade can proudly say tonight that under the leadership of a great President and his Republican administration, the American people in terms of peace, prosperity, and progress have enjoyed the best 7 years of their lives.

Tonight we salute the man who gave our party and our Nation this inspired leadership. We do it by our presence here. We do it with the contributions that this dinner represents. But the finest tribute that we can pay to him is by pledging ourselves to carry on the crusade he has so splendidly begun, by working and voting for another great victory for the Republican Party and for the American people this November.

Incidentally, as you may have noted, some of the Democratic Presidential candidates took a somewhat different view of the President's leadership at their meeting in Washington Saturday night. They also had some things to say about me.

As far as I am concerned I don't think we need to be too worried about their comments, because if you think what they said publicly about me was bad you ought to hear what they are saying privately about each other.

However since this is a salute to the President, I do feel it is appropriate for me to comment, at least briefly, on the constantly reiterated charge of our opponents that "Dwight Eisenhower has been a weak President—what the Nation needs is a strong leader."

His leadership does not need defense by me or by anyone else. But I would like to share with you some of the unforgettable personal experiences I have had in seeing the President in action during the last 7 years.

I have seen him calmly and wisely make the decisions requiring action on Lebanon, Quemoy-Matsu and Suez.

I have seen him make the even harder decisions not to act and talk when a lesser man's rashness could have risked war. Courage is not always shown by strong actions and brave words. Often it takes a far higher form of moral courage to be silent when talk may be harmful, and it takes both courage and judgment to choose a sound course in contrast to a spectacular course. I have often heard the President say in these difficult periods, "In a battle, give me a man who keeps his head when everybody else is losing theirs."

I have seen his magnificent sense of duty—duty that three times brought him back to his desk after illnesses that would have put younger men on the sidelines—going to Panama while still suffering intense pain from an operation—traveling to Europe for the NATO Conference 2 years ago when even speaking was an intolerable strain.

I have seen him deal with Mr. Khrushchev's deft sallies graciously, but with unmistakable and masterful firmness.

And like any great leader he is at his best when the going is roughest. After our defeat in the congressional election of 1958 when he was being written off as a lame duck President, he threw down the gauntlet to the spenders and with the help of a fighting, united band of Republicans in the House and Senate he saved the American people from billions of dollars in higher taxes and higher prices which the massive spending programs of his opponents in the Congress would have made inevitable.

Illinois Republicans can be proud tonight that EVERETT DIRKSEN'S splendid leadership in the Senate and the united support of Illinois' congressional Republican delegation contributed immensely to this magnificent achievement.

And there has never been a more eloquent answer to the charges of "American prestige is at an all-time low—no leadership—no sense of purpose" than the tumultous welcomes the President received on his recent trip abroad. This was a personal tribute. But it was also a tribute to Dwight Eisenhower, the leader of the free world, the living symbol of the greatness of America and its selfless dedication to the cause of peace and freedom.

If there is any further answer needed to the charges of no leadership, let me note one tremendous and revealing contrast between the campaigns of 1952 and 1960.

In 1952 the Democratic candidate for President couldn't run fast enough—away—from the sorry record of the Truman administration which even he termed a mess.

In 1960, every Republican candidate will be proud to defend the Eisenhower record against all comers and to ask the American people to register their approval on election day.

With such an outstanding record, what do we have to worry about? The answer is that the very record which is our greatest strength is potentially our greatest danger. Because we have such a fine record there will be an understandable temptation to stand pat on what we have done, to be smug and self-satisfied about the past and to fail to meet the new challenges of the future. This attitude is not worthy of our party. And what is infinitely more important, it is not adequate for the needs of the Nation in these times.

We can and should be proud of our record. And let me serve notice right here and now that I intend to defend it with all the strength at my command against those who attack it. But, we shall look upon our record not as our ultimate achievement but as the solid foundation upon which to build even greater accomplishments in the future.

Why is America a great Nation today? Because we Americans have never lived in the past. We are never content to rest on our laurels. We never like to settle for being second best in anything.

Let this be the spirit of our party and our people as we enter the crucial year of 1960.

No administration in our history had more reason to be proud of its record in domestic affairs, but we see exciting challenges in those domestic problems that remain unsolved.

We believe that overall the American educational system is the best in the world. But inadequate classrooms, underpaid teachers and flabby standards are weaknesses we must constantly strive to eliminate, always recognizing in the remedies we recommend that any Federal education program must not infringe upon State and local responsibility for and control of our school system.

We are proud that there has been more progress in the 7 years of this administration in the field of civil rights than in any administration since Lincoln's, but we shall continue to work for constructive programs which will assure progress toward our goal of equality of opportunity for all Americans.

We are thankful that American agriculture is the most productive in the world and that our problem is one of surpluses rather than scarcity. But we believe there is no higher legislative priority than a complete overhauling of obsolete farm programs under which the prices farmers receive for major farm products continue to go down and the costs to the taxpayer continue to go up.

The fact that there are more jobs at higher wages available to Americans than at any time in history does not weaken our determination to develop effective programs in which areas of chronic unemployment can be restored to healthy, productive units of our economy.

The fact that as a result of our policies 12 million more Americans are covered by social security and that benefits are almost 50 percent higher than was the case 7 years ago dos not in any way slow down our drive to find ever more adequate methods for protecting the aged, the unemployed and the disabled.

And the fact that the American economy has never been more productive than it is today only encourages us to find more effective methods to deal with disputes between labor and management so that the public interest may be more adequately protected but without controls which would stifle the productivity of our free enterprise system.

I am sure that a question which may have occurred to you is this: Aren't all Americans for these objectives, including our opponents? The answer is yes, of course. What is the difference, then?

We Republicans have unshakeable faith that the way to achieve these goals is by the free choices of millions of individual consumers, by the productive efforts of free management and labor, and by local and State action wherever possible—supplemented when necessary but not supplanted by the Federal Government.

The philosophy of most of our opponents is just the opposite. They claim that the road to progress has to be paved with bigger Government, more spending, and higher tax bills for the people to pay.

The record proves that our faith in freedom is well placed. Economic policies based on encouraging rather than stifling free enterprise gets results—they work. Because the fact is that for 20 years Democratic administrations promised to give the American people the economic abundance and prosperity that the people, stimluated by 7 years of Republican faith-in-freedom, have in great measure now achieved for themselves. And as long as they are left free of arbitrary controls, the American people will continue to achieve greater and greater abundance with fair shares for everyone.

Great as are our domestic problems, there is another which transcends them all—our survival in the struggle which is going on throughout the world today.

There is no part of our record of which we are more proud than in the area of national security and the conduct of foreign policy. But we know that the challenge which confronts us continues to be massive in character. Because while Mr. Khrushchev and his colleagues claim they have ruled out the use of force as an instrument of implementing their national policies, they have never abandoned their goal of communizing the world. Their people are being driven to superhuman efforts to realize this objective and their leaders have notified us of their intentions.

What should our answer be?

Militarily our objective must be to maintain sufficient strength, not for purposes of attack, but to deter any potential aggressor. Questions have been raised as to whether we have now and will continue to have in the future strength of this magnitude.

We need constant examination and constructive criticism of our defense posture, pointing up our weaknesses where they exist. But constructive criticism is one thing; making America appear weaker than she is to potential aggressors is another. It is time to quit selling America short. We are not a second-rate country with second-rate military strength and a second-rate economy.

Let's get these facts straight right here and now. No aggressor in the world today can knock out the deterrent striking power of the United States and its allies. This is the case today, and it will continue to be so in the future. We know this, our political critics should know it, and, what is most important, Mr. Khrushchev knows it.

What should our policy in the future be? Because we are living in an age of rapid technological advances in military science, we must submit our national security programs to a searching, month-to-month reexamination in the light of any new techno-

logical developments and of our best current estimates of the military capabilities of any potential aggressor. On the basis of these appraisals, we must make such readjustments as are necessary to keep our deterrent power at adequate levels. And let us resolve once and for all that America has the resources and the will to maintain the absolute deterrent strength necessary for survival, whatever sacrifices may be required.

But the maintenance of military strength adequate to deter aggression, while absolutely essential for our survival, does not by itself meet the responsibilities of world leadership which are ours.

We must leave no stone unturned in our efforts to find some more effective guarantee against the terrible destruction of nuclear war than the mere maintenance of a balance of terror.

We must continue to follow the President's leadership in his willingness to discuss our differences at the conference table whenever there is a prospect for success; in his search for an effective formula under which we could reduce the burden of armaments and discontinue testing of even more destructive nuclear weapons; and in his steadfast devotion to the principle that the United States must take the leadership in substituting the rule of law for the rule of force as a method of settling disputes between nations.

Above all, we must recognize that the greatest danger we face is in the nonmilitary rather than the military area. Millions of Americans heard Mr. Khrushchev on his recent visit to this country lay down his blunt challenge for peaceful competition between the Communist and the free world.

What should our answer be?

We should make it clear at the outset that we welcome competition, provided both sides compete under the same set of rules and provided the competition takes place both in the Communist and the free world. After all, competition is our idea. It is the motivating drive responsible for the economic, political, and cultural progress of this Nation. We are glad that Mr. Khrushchev recognizes its merits and we welcome his challenge.

Can we win in this competition? The answer is—yes, if we recognize some basic factors.

We must avoid at all costs any overconfidence just because the Communist idea is repugnant to us or because of our belief that the Communist system has built-in weaknesses which will eventually bring about its downfall.

We must always remember that a totalitarian system, in the short run, can concentrate immense power on chosen objectives; that the Russian people are working long and hard under the driving direction of fanatically dedicated leaders who are motivated by but a single objective—the communization of the world; that the leaders as well as the people have a highly developed competitive spirit and that they have the advantage of anyone who is running behind in a race—the stimulus of trying to catch up and pass the front runner.

We can win in this competition, in other words, if we recognize their strength and if we work harder, believe more deeply, and are motivated by an even stronger competitive spirit than theirs.

But in recognizing the seriousness of their challenge, we could make no greater mistake than to go overboard and start to judge American institutions by the Communist yardstick.

They have a patent on the system of bureaucracy, government controls, and government domination. But even they have found it necessary to modify their system by increasingly providing greater rewards for those who make the greatest contributions to their economy.

In other words, they are finding it necessary to turn our way. At a time they are turning our way, the greatest mistake we could make would be to turn their way.

Our answer to them, therefore, in the area of economic competition must not be more Government spending and more Government controls but stimulation and encouragement of the creative energies of millions of free peoples and of our system of productive private enterprise.

And we must not make the mistake of just meeting them on their chosen battleground. The answer to atheistic Communist materialism is not just more and better materialism.

To put it simply, they offer progress at the cost of freedom. Our alternative is progress with freedom—and, in fact, progress because of freedom.

I realize that there are many who complain that the Communists have a sense of purpose which we lack. And there is no question but that they do have a sense of purpose—that of imposing the Communist system on all the nations of the world.

We can certainly agree that we do not have this sense of purpose. Because, as the President reiterated over and over again on his recent trip, far from wanting to impose our system on other nations, we believe that all peoples must be free to choose the kind of government they want.

But the fact that we have no desire to conquer the world does not mean that our alternative to communism is simply to leave the world as it is—ignoring the misery, disease, and inequity on which communism thrives. We, too, have a purpose and a mission in the world today—and that is what we must make clear as we meet the Communist challenge.

We offer our partnership, our advice, and assistance in helping peoples everywhere to achieve the economic progress which is essential if they are to have better food and housing and health than they presently enjoy.

But we do not stop here. We say, broaden competition between communism and freedom to include the spiritual and cultural values that have especially distinguished our civilization and enriched our lives.

We insist that man needs freedom—freedom of inquiry and information, freedom to seek knowledge, to express his views, freedom to choose his own leaders and hold them strictly accountable, freedom to shape his own destiny—and above all—freedom to worship God in the light of his own conscience.

Let our mission in the world today be to extend to all mankind not just the ideal but the fact of freedom—by preserving and protecting and defending it, by helping others achieve it, by offering our own example of a free society at work.

This mission is not new. It is the heart of the American idea that goes back to the very foundation of this free Republic. It is the essence of the crusade launched here 7 years ago and we can be proud tonight that our great President, Dwight D. Eisenhower, is its living symbol in America and throughout the world.

SENATE

FRIDAY, JANUARY 29, 1960

(Legislative day of Wednesday, January 27, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

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

O God, who, under all the wild commotion which, sweeping across the face of the earth, doth still control the evil forces which for the hour seem to defeat Thy purpose and hinder the coming of Thy kingdom, help us so to confront the problems that face us that from them may come victory to our own souls and spiritual gain for the world.

Grant that our hearts may be shrines of prayer and our free Nation a bulwark for the oppressed, a flaming beacon of hope whose beams shall battle the darkness in all the world.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 28, 1960, was dispensed with.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to sit during the session of the Senate today:

The Committee on Rules and Administration.

The Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be the usual morning hour, and that statements made in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF DIRECTOR OF SELECTIVE SERVICE SYSTEM

A letter from the Director, Selective Service System, Washington, D.C., transmitting, pursuant to law, his report for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Managing Director, District of Columbia Armory Board, Washington, D.C., transmitting, pursuant to law, a report of that Board for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on the District of Columbia.

BALANCE SHEET OF POTOMAC ELECTRIC POWER CO.

A letter from the president, Potomac Electric Power Co., Washington, D.C., transmitting, pursuant to law, a copy of the balance sheet of that company, as of December 31,