and practices to suit particular circumstances. There may be cases where Government ownership will be necessary—for example, a scientific breakthrough or a medical discovery that should be available to everybody. On the other hand, the NASA should be free to enter into research and development contracts, on terms attractive to the contractor, where the interests of the Government do not require acquisition of title.

Under the proposed amendment, the Government would retain a royalty-free license to use all inventions made in the course of NASA contracts. Furthermore, whenever the Administrator found that the national security or the public interest so required, he could take full title to the patent rights. At the same time, however, private enterprise would have greater incentives to enter into NASA contracts, and to develop inventions and discoveries that might be patentable. I believe this amendment would protect both the public interest and the equities of the contractor.

Now I should like to mention a third, relatively minor, feature of the National Aeronautics and Space Act amendments. The provision authorizing the NASA to conduct a program of international cooperation in astronautics would be made mandatory. I favor such a change. It is true that the NASA has conducted a program of international cooperation. But there have been doubts, which I share, whether the program was adequately conceived or carried out. The proposed change would emphasize the intent of Congress that the NASA should conduct a vigorous and effective program of international astronautics.

Lastly, we come to the question of funding. As you know, the current NASA budget is almost $1 billion. In the 10-year budget forecast which the NASA presented to Congress during the last session, the projected average level of funding is roughly $1.5 billion a year. Only the future can tell us for certain whether this amount will be large enough. However, many qualified observers believe that the 10-year goals set by NASA—the schedule of events—may be too modest and too conservative. For example, Congressman OVERTON BROOKS, the chairman of the Committee on Science and Astronautics, has said that "Federal funding of the space program must of necessity increase year by year"; and has described the NASA 10-year budget forecast as unrealistic "(the Place of Government in the Utilization of Space," address at the University of California, Los Angeles, April 13, 1960). My personal view is that the level of funding projected by the NASA will prove to be too low either to meet our Soviet competition or to exploit the possibilities of advancing technology.

In conclusion, let me once more stress the unity of science and astronautics. Many people are used to thinking that astronautics merely competes with other fields of science for money and resources. But astronautics and the basic sciences also reinforce each other. For example, the director of the Smithsonian Astrophysical Laboratory has said that more astrophysical information was gathered during the first few weeks of the space age than had been accumulated in the preceding century. Let us therefore take counsel of the ancient faith that the universe we live in is all one piece, and that what we learn about any part of it will help us understand the whole. By promoting astronautics we will inevitably promote all science and, to a significant extent, all knowledge.

SENATE

THURSDAY, JANUARY 5, 1961

(Legislative day of Wednesday, January 4, 1961)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Hon. CARL HAYDEN, a Senator from the State of Arizona).

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

O God, our Father, who art love and light and truth, we turn unfilled to Thee. In a world where the very foundations seem to be shaken, we cherish this hushed and hallowed moment which so long ago the Founding Fathers set apart as an altar of prayer at the day's beginning.

Here, with contrite hearts, we would be sure of Thee and of spiritual resources before facing the high solemnities of waiting tasks. Grant that those who in this fateful day by the people's choice have been called to high places of state, facing responsibilities as heavy as the servants of the commonwealth have ever borne, may be filled with the spirit of wisdom and understanding, the spirit of knowledge, and the fear of Thee.

In an hour when such vast issues are at stake for all the world, may those who here serve, conscious of the great tradition in which they stand, rise to greatness of vision and soul, as the anxious eyes of all the nations are fixed upon this Chamber.

Together, with full purpose of heart, in Thy might unafraid, send us forth to meet the issues of this crucial year as in the name of the Lord, our God, we set up our banners. 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 Wednesday, January 4, 1961, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 1723) to amend the joint resolution providing for observance of the 175th anniversary of the Constitution, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 1723) to amend the joint resolution providing for observance of the 175th anniversary of the Constitution, was read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL REPORT OF A COMMITTEE SUBMITTED SUBSEQUENT TO SINE DIE ADJOURNMENT (S. REPT. NO. 1948)

Under authority of the order of the Senate of August 26, 1960, Mr. WILLIAMS of New Jersey, on December 30, 1960, from the Select Committee on Small Business, submitted a report entitled "Government Competition With Business: Refrigerated Warehousing"; which was printed.

REPORT ENTITLED "GOVERNMENT COMPETITION WITH BUSINESS: REFRIGERATED WAREHOUSING," SUPPLEMENTAL VIEWS—PART 2 OF REPORT NO. 1948

Mr. SPARKMAN. Mr. President, I ask unanimous consent for the printing of the attached views of Senator ANDREW F. SCHOEPPEL, a member of the Senate Select Committee on Small Business, which views are supplemental to Senate Report 1948, "Government Competition With Business: Refrigerated Warehousing," and that the views be made part 2 of this report and be dated December 31, 1960.

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

MEETING OF THE TWO HOUSES FOR OFFICIAL COUNT OF ELECTORAL VOTES

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that pursuant to Senate Concurrent Resolution 1, adopted on Tuesday, the Senate and the House will meet in the Hall of the House of Representatives at 1 o'clock on Friday, for the official count of electoral votes.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, under the unanimous-consent order entered yesterday, there will be a morning hour for the introduction of bills and the transaction of routine business. At the conclusion of morning business, the Senate will return to the consideration of the business before it when it took the recess on yesterday—the motion of the Senator from Minnesota [Mr. HUMPHREY] that the Senate resume the consideration of Senate Resolution 4, Senator Anderson's resolution, as modified. Pending before the Senate is the Humphrey-Kuchel substitute for the Anderson resolution.

Mr. President, I assume that, as usual, the 3-minute limitation will be observed during the course of the morning hour.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I assume that, impliedly, that is a unanimous-consent request.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any discussion during the course of the morning hour be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection——

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. DIRKSEN. Mr. President, reserving the right to object, although I shall not object, I wish to state that I hope we can phrase this request so that the time—3 minutes—is the limit on each Senator, regardless of the subject matter or the number of items he may wish to present.

We remember all the grousing there was in the last session because a Senator would address himself to a specific matter for 3 minutes; and then would say, "Mr. President, I have another matter," and then would take another 3 minutes; and when that was compounded for quite a number of Senators, it developed a real inconvenience for those who had friends from home, who had luncheon engagements, or who had other engagements.

I believe it should be made crystal clear now, since this is not a rule of the Senate—it is only an understanding of accommodation, as a matter of fact—so there will be a clear limit of 3 minutes on each Senator, regardless of the number of items he has to dispose of, and so that the time limit will be strictly enforced.

Mr. MANSFIELD. Let me say that I am in wholehearted accord with what the distinguished minority leader has said; and I state further that it is my hope, and I hope my colleagues will agree with me, that insofar as recognition is concerned, from now on it will not be on the basis of whose name is at the desk of the Presiding Officer, but will be on the basis of who is first on his feet, addresses the Chair, and is recognized.

Mr. PASTORE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Do I correctly understand that the suggestion made by the minority leader is part of the unanimous-consent request?

Mr. MANSFIELD. I make it part of the unanimous-consent request.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object, although I shall not object, let me ask whether I correctly understand that the 3-minute limitation applies to routine business, such as the presentation of memorials and petitions and the introduction of new matter, but does not relate to any consideration of any general business before the Senate.

The PRESIDENT pro tempore. It applies only to routine morning business.

Mr. MANSFIELD. Mr. President, has the Chair ruled on the unanimous-consent request, as modified, by the suggestion of the Senator from Illinois?

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be permitted to meet between the hours of 2 and 3 o'clock today.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

ASCERTAINMENTS OF ELECTORS FOR PRESIDENT AND VICE PRESIDENT

Two letters from the Administrator of General Services Administration, transmitting, pursuant to law, official copies of ascertainment of electors for President and Vice President from the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming (with the accompanying papers); ordered to lie on the table.

REPORT ON CONTRACTS NEGOTIATED BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Assistant Administrator for Congressional Relations, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report covering contracts negotiated by that Administration, for the period January 1, 1960, through June 30, 1960 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

AMENDMENT OF ACT RELATING TO SUPERIOR NATIONAL FOREST, MINN.

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORTS OF GENERAL SALES MANAGER, COMMODITY CREDIT CORPORATION

Four letters from the Acting Secretary of Agriculture, transmitting, pursuant to law, reports of the General Sales Manager, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support, for the months of April, May, June, and July 1960 (with accompanying reports); to the Committee on Agriculture and Forestry.

REPORT ON LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES AND EXPANSION OF MARKETS FOR SURPLUS AGRICULTURAL COMMODITIES

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report of the Secretary of Agriculture entitled "Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities," dated October 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORTS ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT

Three letters from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, reports on agreements concluded during the months of August, September, and November 1960, under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (with accompanying reports); to the Committee on Agriculture and Forestry.

A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on agreements concluded during the month of October 1960, under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, Washington, D.C., transmitting, pursuant to law, the annual report of that Administration, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 3)

A letter from the President, National Forest Reservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Agriculture and Forestry, and ordered to be printed.

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Secretary of Commerce, reporting, pursuant to law, the overobligation of an appropriation in the Bureau of the Census, during the fiscal year 1960; to the Committee of Appropriations.

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, 40 reports covering 46 overobligations of appropriations within that Department (with accompanying reports); to the Committee on Appropriations.

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, certain violations of administrative control of funds procedures in connection with the obligation of funds in excess of amounts allotted from an appropriation of that Department, as of June 30, 1959 (with an accompanying paper); to the Committee on Appropriations.

A letter from the Acting Secretary of Health, Education, and Welfare, reporting, pursuant to law, certain violations of administrative control of funds procedures in connection with the obligation of funds in excess of amounts allotted from two of the appropriations of that Department, as of June 30, 1958, and December 31, 1959 (with an accompanying paper); to the Committee on Appropriations.

A letter from the President, Panama Canal Company, Balboa Heights, C.Z., reporting, pursuant to law, the violation of Panama Canal Company 1960 allotments; to the Committee on Appropriations.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

Nine letters from the Director, Bureau of the Budget, Executive Office of the President, dated August 15, September 29, September 29, October 3, November 7, December 6, and December 23, 1960, respectively, reporting, pursuant to law, that sundry appropriations in the various departments were reapportioned on a basis which indicates the necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

Thirteen letters from the Acting Director, Bureau of the Budget, Executive Office of the President, dated September 3, September 10, September 10, September 14, September 27,

October 3, October 3, October 3, October 3, October 3, November 4, December 27, and December 29, 1960, respectively, reporting, pursuant to law, that sundry appropriations in the various departments were reapportioned on a basis which indicates the necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

REPORT ON JUDGMENTS RENDERED BY U.S. COURT OF CLAIMS (S. DOC. NO. 4)

A letter from the clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, a report on all judgments rendered by that court, for the year ended October 1, 1960 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of that department on military construction contracts awarded without formal advertising, during the period January 1, through June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON FLIGHT PAY, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the Department of the Army aviation personnel above the rank of major, for the period July 1 to December 31, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON NUMBER OF ARMY OFFICERS ASSIGNED TO HEADQUARTERS AGENCIES OF DEPARTMENT OF THE ARMY

Two letters from the Secretary of the Army, transmitting, pursuant to law, reports of the number of officers on duty with Headquarters, Department of the Army, and the Army General Staff as of June 30, 1960, and September 30, 1960 (with accompanying reports); to the Committee on Armed Services.

PROPOSED TRANSFER OF OBSOLETE ORDNANCE MATERIAL TO STATE OF WASHINGTON

A letter from the Secretary of the Navy, reporting, pursuant to law, the proposed transfer of certain obsolete ordnance material to the State of Washington; to the Committee on Armed Services.

PROPOSED TRANSFER BY NAVY DEPARTMENT OF SUBMARINE TO U.S. SUBMARINE VETERANS OF WORLD WAR II

A letter from the Assistant Secretary of the Navy (Material), reporting, pursuant to law, the proposed transfer of the submarine *Flasher* to the U.S. Submarine Veterans of World War II; to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING, DEPARTMENT OF THE NAVY

A letter from the Assistant Secretary of the Navy (Materiel), transmitting, pursuant to law, a report of that Department on military construction contracts awarded without formal advertising, during the period January 1, 1960, to June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

CONSTRUCTION OF CERTAIN FACILITIES FOR AIR NATIONAL GUARD AT VAN NUYS MUNICIPAL AIRPORT, CALIF.

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the construction, strengthening of existing parking apron and transition areas, and modification of existing washrack at Van Nuys Municipal Airport, Calif., for the Air National Guard at an estimated cost of $476,000; to the Committee on Armed Services.

REPORT ON REAL AND PERSONAL PROPERTY OF DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the Department of Defense relating to real and personal property, as of June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

INDEMNIFICATION OF CERTAIN CONTRACTORS AGAINST NUCLEAR AND OTHER UNUSUALLY HAZARDOUS RISKS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to authorize the Department of Defense to indemnify its contractors against nuclear and other unusually hazardous risks, to limit the liability of contractors so indemnified, and for other purposes (with accompanying papers); to the Committee on Armed Services.

RECOMPUTATION OF RETIREMENT OR RETAINER PAY OF CERTAIN PERSONS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to provide that those persons entitled to retired pay or retainer pay under the Career Compensation Act of 1949 who were prohibited from computing their retired pay or retainer pay under the rates provided by the act of May 20, 1958, shall be entitled to have their retired pay or retainer pay recomputed on the rates of basic pay provided by the act of May 20, 1958 (with an accompanying paper); to the Committee on Armed Services.

AUTHORIZATION OF PAYMENT OF COSTS FOR CERTAIN U.S. NATIONALS BEFORE FOREIGN TRIBUNALS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 1037 of title 10, United States Code, to authorize payment of costs for certain U.S. nationals before foreign tribunals (with an accompanying paper); to the Committe on Armed Services.

REPORTS ON MILITARY PROCUREMENT ACTIONS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, reports submitted by the Departments of the Army, Navy, and Air Force, on military procurement actions for experimental, developmental, or research work, for the period January–June 1960 (with accompanying reports); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO ANNUITIES BASED ON RETIRED OR RETAINER PAY

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT ON PROPOSED DISPOSITION OF CERTAIN QUINIDINE

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a notice of the proposed disposition of approximately 453,000 ounces of quinidine now held in the national stockpile, and published in the Federal Register (with an accompanying paper); to the Committee on Armed Services.

REPORT ON PROPOSED DISPOSITION OF CERTAIN MAGNESIUM SCRAP

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a notice of the proposed disposition of approximately 2,624 short-tons of magnesium scrap now held in the national stockpile, and published in the Federal Register (with an accompanying paper); to the Committee on Armed Services.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN COBALTIFEROUS MATERIALS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 168,808 pounds of cobaltiferous materials now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN METALLURGICAL CHROMITE ORE AND FERROCHROME ALLOYS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 89,750 long tons of low-grade domestic metallurgical chromite ore and concentrates and approximately 151,000 pounds of various ferrochrome alloys now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a semiannual report on the strategic and critical materials stockpiling program, for the period January 1 to June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON CIVIL AND DEFENSE MOBILIZATION CONTRIBUTION

Two letters from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, quarterly reports on civil and defense mobilization contributions, covering the quarters ended June 30 and September 30, 1960 (with accompanying reports); to the Committee on Armed Services.

REPORTS ON PROPERTY ACQUISITIONS, OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Two letters from the Director and Acting Director, Office of Civil and Defense Mobilization, Executive Office of the President, reporting, pursuant to law, on property acquisitions by that Office, for the quarters ended June 30, 1960, and September 30, 1960; to the Committee on Armed Services.

REPORT ON ARMY PROCUREMENT ACTIONS, RESEARCH AND DEVELOPMENT

A letter from the Director of Research and Development, Department of the Army, transmitting, purusant to law, a report on Department of the Army research and development contracts for $50,000 or more which were awarded during the period January 1, 1960, through June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON NAVY PROCUREMENT ACTIONS, RESEARCH AND DEVELOPMENT

A letter from the Acting Assistant Chief of Naval Material (Procurement), transmitting, pursuant to law, a report on Department of the Navy research and development contracts for $50,000 or more which were awarded during the period January 1, through June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS, DEPARTMENT OF THE AIR FORCE

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report of

that Department entitled "Semiannual Research and Development Procurement Actions Report," covering the period January 1, 1960, through June 30, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON NUMBER OF AIR FORCE OFFICERS ASSIGNED TO SEAT OF GOVERNMENT

A letter from the Director, Legislative Liaison, Department of the Air Force, reporting, pursuant to law, that as of the end of the first quarter of fiscal year 1961, September 30, 1960, there were 2,309 officers of the Air Force assigned to the seat of government; to the Committee on Armed Services.

REPORT OF MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA

A letter from the secretary-treasurer, the Military Chaplains Association of the United States of America, Washington, D.C., transmitting, pursuant to law, a report of that association, for the calendar year 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT ON COMPETITION IN SYNTHETIC RUBBER INDUSTRY

A letter from the Attorney General, transmitting, pursuant to law, a report on competition in the synthetic rubber industry, for the calendar year 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the third quarter, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS ON AWARDS OF ARMY, NAVY, AND AIR FORCE PRIME CONTRACTS TO SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Supply and Logistics), Department of Defense, transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contract awards to small and other business firms, for the month of June 1960 (with an accompanying report); to the Committee on Banking and Currency.

Two letters from the Assistant Secretary of Defense (Supply and Logistics), Department of Defense, transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contract awards to small and other business firms, for the months of July, August, and September 1960 (with accompanying reports); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, his report of receipts and expenditures, for the period July 1, 1959, to June 30, 1960 (with an accompanying report); ordered to lie on the table and to be printed.

REPORTS ON ACTIVITIES AND TRANSACTIONS UNDER MERCHANT SHIP SALES ACT OF 1946

Two letters from the Secretary of Commerce, transmitting, pursuant to law, reports of the Maritime Administration, Department of Commerce, on the activities and transactions under the Merchant Ship Sales Act of 1946, for the periods April 1, 1960, through June 30, 1960, and from July 1, 1960, through September 30, 1960 (with accompanying reports); to the Committee on Interstate and Foreign Commerce.

REPORT ON PROVISION OF CERTAIN INSURANCE FOR AMERICAN PEOPLE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision for war risk insurance and certain marine and liability insurance for the American public, as of September 30, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance, as of September 30, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON COMMISSARY ACTIVITIES OUTSIDE CONTINENTAL UNITED STATES

A letter from the Acting Secretary of Commerce, submitting a negative report for fiscal year 1960, on commissary activities outside the continental United States; to the Committee on Interstate and Foreign Commerce.

REGULATION OF DEPRECIATION ACCOUNTING OF AIR CARRIERS

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORTS ON LICENSED HYDROELECTRIC PROJECTS AND PERSONNEL OF FEDERAL POWER COMMISSION

A letter from the Acting Chairman, Federal Power Commission, transmitting, pursuant to law, reports on licensed hydroelectric projects and personnel of that Commission, for the fiscal year ended June 30, 1960 (with accompanying reports); to the Committee on Interstate and Foreign Commerce.

REPORTS ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES, FEDERAL COMMUNICATIONS COMMISSION

Four letters from the Chairman and Acting Chairman of the Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, reports on backlog of pending applications and hearing cases in that Commission, as of June 30, 1960, July 31, 1960, August 31, 1960, and September 30, 1960 (with accompanying reports); to the Committee on Interstate and Foreign Commerce.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate copies of the following publications of that Commission: "Map, Major Natural Gas Pipelines in the U.S., June 30, 1960," "Maps, Principal Electric Facilities, 1960," "Electric Utility Depreciation Practices, 1958," "Statistics of Natural Gas Companies, 1959," "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1959," "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1959," "Typical Electric Bills, 1960," "Uniform System of Accounts Prescribed for Public Utilities and Licensees, Classes A & B," "Uniform System of Accounts Prescribed for Natural Gas Companies, Classes A & B" (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT OF PACIFIC MARINE FISHERIES COMMISSION

A letter from the Chairman, Pacific Marine Fisheries Commission, Portland, Oregon, transmitting, pursuant to law, a report of that Commission for the year 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Chairman, Migratory Bird Conservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON GENERAL OF THE ARMIES JOHN J. PERSHING CENTENNIAL

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the observance of the centennial celebration of John J. Pershing, General of the Armies (with an accompanying report); to the Committee on the Judiciary.

REPORT ON CLAIMS PAID BY DEPARTMENT OF THE ARMY UNDER MILITARY PERSONNEL CLAIMS ACT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on claims paid by that Department under the Military Personnel Claims Act, during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

CODIFICATION OF MILITARY LAW

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to codify recent military law, and to improve the code (with accompanying papers); to the Committee on the Judiciary.

REPORTS ON PAYMENT OF TORT CLAIMS

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on tort claims paid by that Department during the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Administrative Assistant Attorney General, transmitting, pursuant to law, a report of the administrative tort claims paid by the Department of Justice, during the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on tort claims paid by that Department, for the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, reporting, pursuant to law, that one claim was paid under the Federal Tort Claims Act of 1946; to the Committee on the Judiciary.

A letter from the Deputy General Manager, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Commission, from July 1, 1959, to June 30, 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Agency, during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report on tort claims paid by that Administration, during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Deputy Administrator, Veterans Administration, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Administration, during the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on tort claims paid by that Department, during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on tort claims paid by that Department, during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on claims paid by that Department under the Federal Tort Claims Act, for the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON PAYMENT OF CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report covering claims paid during the 6-month period ended June 30, 1960, on account of the correction of military records of Coast Guard personnel (with an accompanying report); to the Committee on the Judiciary.

REPORT OF DIRECTORS OF FEDERAL PRISON INDUSTRIES, INCORPORATED

A letter from the Commissioner, Federal Prison Industries, Incorporated, Department of Justice, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF ACTIVITIES OF LINCOLN SESQUICENTENNIAL COMMISSION

A letter from the Chairman, Lincoln Sesquicentennial Commission, Washington, D.C., transmitting, pursuant to law, the final report of the activities of that Commission (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF ARMY AND NAVY LEGION OF VALOR

A letter from the corporation agent, Army and Navy Legion of Valor of the United States of America, Inc., Washington, D.C., transmitting, pursuant to law, an audit report of that Legion, for the period July 22, 1959, to August 15, 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year ended June 30, 1960 (with accompanying papers); to the Committee on the Judiciary.

COURT OF CLAIMS OPINION IN CASE OF WAH CHANG CORPORATION *v.* THE UNITED STATES

A letter from the Clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, the court's opinion in the case of *Wah Chang Corporation* v. *The United States*, No. 124–55, rendered on October 5, 1960 (with accompanying papers); to the Committee on the Judiciary.

REPORT OF NAVY CLUB OF UNITED STATES OF AMERICA

A letter from the National Shipswriter, Navy Club of the United States of America, Springfield, Illinois, transmitting, pursuant to law, a report of the proceedings and activities, together with a statement of receipts and disbursements, for the fiscal year 1959 (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF SALVATORE PALADINO

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

ADJUSTMENT OF IMMIGRATION STATUS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of order entered in behalf of Alice G. Palmer, relating to adjustment of her immigration status (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF BOARD FOR FUNDAMENTAL EDUCATION

A letter from the firm of Ross, McCord, Ice & Miller, of Indianapolis, Ind., signed by Harry T. Ice, transmitting, pursuant to law, the annual report and audit of the Board for Fundamental Education, for the year 1959 (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF JEWISH WAR VETERANS, U.S.A., NATIONAL MEMORIAL, INC.

A letter from the treasurer, Jewish War Veterans, U.S.A., National Memorial, Inc., Washington, D.C., transmitting, pursuant to law, an audit report of that memorial, for the fiscal year ended March 31, 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, the report of that Department for the fiscal year 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF STUDY BY DEPARTMENT OF LABOR ENTITLED "PROBLEMS INVOLVED IN APPLYING A FEDERAL MINIMUM WAGE TO AGRICULTURAL WORKERS"

A letter from the Secretary of Labor, transmitting, pursuant to law, a report of a staff study made by that Department, entitled "Problems Involved in Applying a Federal Minimum Wage to Agricultural Workers" (with accompanying papers); to the Committee on Labor and Public Welfare.

EDUCATIONAL ASSISTANCE TO WAR ORPHANS OF THE PHILIPPINES

A letter from the Assistant Secretary of State, transmitting, pursuant to the request of the Ambassador of the Philippines, the views of the Philippine Government on the desirability of amending title 38 of the United States Code as it affects war orphans in the Philippines eligible to participate in an educational assistance program of the U.S. Government (with an accompanying paper); to the Committee on Labor and Public Welfare.

ALLOTMENT AND ADVANCEMENT OF PAY WITH RESPECT TO CERTAIN CIVILIAN EMPLOYEES OF THE UNITED STATES

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to provide for allotment and advancement of pay with respect to civilian employees of the United States in cases of emergency evacuations from certain areas, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPEAL OF LIMITATION ON NUMBER OF POSTAL EMPLOYEES PLACED IN CERTAIN SALARY LEVELS

A letter from the Postmaster General, transmitting a draft of proposed legislation to repeal the limitation on the number of postal employees who can be placed in salary levels PFS–17 through PFS–20, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORT ON BONDING OF CERTAIN OFFICERS AND EMPLOYEES

A letter from the Acting Secretary of the Treasury, transmitting pursuant to law, a report on operations by Federal departments and establishments in connection with the bonding of officers and employees, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

PLAN FOR DEVELOPMENT OF PROPOSED CRATER-LONG LAKES DIVISION, SNETTISHAM PROJECT, ALASKA

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a plan of development for the proposed Crater-Long Lakes division, Snettisham project, Alaska (with accompanying papers); to the Committee on Public Works.

REPORT ON FEASIBILITY OF ESTABLISHMENT OF PRESIDENT ADAMS PARKWAY, MASSACHUSETTS

A letter from the Assistant Secretary of the Interior and the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the feasibility of establishing the President Adams Parkway, to extend from Faneuil Hall, Boston, Mass., to Plymouth, Mass., via Quincy, Mass., in memory of John Adams and John Quincy Adams, second and sixth Presidents of the United States (with an accompanying report); to the Committee on Public Works.

REPORTS ON SCIENTIFIC OR PROFESSIONAL POSITIONS, DEPARTMENT OF THE INTERIOR

Two letters from the Administrative Assistant Secretary of the Interior, reporting, pursuant to law, on scientific or professional positions within that Department, for the calendar year 1960; to the Committee on Post Office and Civil Service.

REPORT OF TENNESSEE VALLEY AUTHORITY

A letter from the Director, Chairman of the Board, and Vice Chairman, Tennessee Valley Authority, Wilson Dam, Ala., transmitting, pursuant to law, a report of that Authority, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Public Works.

REPORTS ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND—TREASURY DEPARTMENT ACTIVITIES

Two letters from the Acting Secretary of the Treasury, dated September 23, 1960, and December 21, 1960, respectively, transmitting, pursuant to law, reports on the Reconstruction Finance Corporation Liquidation Fund—Treasury Department Activities, for the quarters ended June 30, 1960, and September 30, 1960 (with accompanying reports); to the Committee on Banking and Currency.

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON

A letter from the President, Export-Import Bank of Washington, Washington, D.C., transmitting, pursuant to law, a report of that Bank for the year ended June 30, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON ESTIMATED OBLIGATIONS BY PRINCIPAL ACTIVITIES OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report reflecting estimated obligations by principal activities of the Small Business Administration, for the period January 1 through June 30, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS ON LIQUIDATION OF ASSETS FORMERLY HELD BY RECONSTRUCTION FINANCE CORPORATION AND TRANSFERRED TO SMALL BUSINESS ADMINISTRATION

Two letters from the Administrator, Small Business Administration, dated September 30, 1960, and November 22, 1960, respectively, transmitting, pursuant to law, reports on progress made in liquidating the assets formerly held by the Reconstruction Finance Corporation which were transferred to the Administrator of Small Business Administration by Reorganization Plan No. 2 of 1954, and Reorganization Plan No. 1 of 1957 for the quarters ended June 30, 1960, and September 30, 1960 (with accompanying reports); to the Committee on Banking and Currency.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, the 14th semiannual report of that Administration covering operations between January 1, 1960, and June 30, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON BORROWING AUTHORITY

A letter from the Director, Office of Civil Defense Mobilization, Executive Office of the President, Washington, D.C., transmitting, pursuant to law, a report on borrowing authority for the quarter ended June 30, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS ON LIQUIDATION OF NATIONAL DEFENSE, WAR, AND RECONVERSION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION BY GENERAL SERVICES ADMINISTRATION

Two letters from the Administrator, General Services Administration, Washington, D.C., dated September 2, 1960, and November 30, 1960, respectively, transmitting, pursuant to law, reports on the progress of the liquidation of the national defense, war and reconversion activities of the Reconstruction Finance Corporation, for the quarters ended June 30, 1960, and September 30, 1960 (with accompanying reports); to the Committee on Banking and Currency.

REPORT ON LAND ACQUISITIONS BY NATIONAL CAPITAL PLANNING COMMISSION

A letter from the Chairman, National Capital Planning Commission, Washington, D.C., transmitting, pursuant to law, a report showing lands acquired by that Commission, during the fiscal year 1960, for the development of the park, parkway and playground system of the National Capital and its environs (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency for the fiscal year ending June 30, 1960 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the Vice President, the Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of that company, for the calendar year 1960 (with an accompanying report); to the Committee on the District of Columbia.

AUDIT REPORT OF CONFERENCE OF STATE SOCIETIES

A letter from Eric G. Jansson & Co., certified public accountants, Washington, D.C., transmitting, pursuant to law, an audit report on the Conference of State Societies, for the fiscal year July 1, 1959, to June 30, 1960 (with an accompanying report); to the Committee on the District of Columbia.

RESOLUTION OF PROVINCIAL BOARD OF NEGROS OCCIDENTAL, REPUBLIC OF THE PHILIPPINES

A letter from the Assistant Secretary of State, transmitting, for the information of the Senate, Resolution No. 1021 of the Provincial Board of Negros Occidental, Republic of the Philippines, expressing gratitude of the board for a recent increase in the amount of sugar authorized for importation into the United States from the Republic of the Philippines (with an accompanying paper); to the Committee on Finance.

REPORT OF U.S. TARIFF COMMISSION

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission on the operation of the trade agreements program for the period July 1958 through June 1959 (with an accompanying report); to the Committee on Finance.

REPORT OF RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, covering the fiscal year July 1, 1959, to June 30, 1960 (with an accompanying report); to the Committee on Finance.

REPORT ON EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

A letter from the Secretary of State, transmitting, pursuant to law, a report on the educational and cultural exchange program, for the period July 1–December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

PAYMENT TO GOVERNMENT OF THE PHILIPPINES

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to authorize payment to the Government of the Philippines (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON STRATEGIC TRADE CONTROL PROGRAM

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on a survey of the strategic trade control program, 1957–60, Mutual Defense Assistance Control Act of 1951 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, a report of that Commission as of June 30, 1960 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, transmitting, pursuant to law, a report of that Council for the period July 1–December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Acting Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency for the period January 1 to June 30, 1960 (with an accompanying report); to the Committee on Foreign Relations.

UNEMPLOYMENT COMPENSATION PAYMENTS TO RETIRED FEDERAL EMPLOYEES

A letter from the Secretary of Labor, enclosing a copy of his letter to the Comptroller General of the United States relating to a review of the policies and practices of the Department of Labor and the States regarding unemployment compensation payments to retired Federal employees who are receiving retirement annuities, issued by the Comptroller General on April 26, 1960 (with an accompanying paper); to the Committee on Government Operations.

REPORT ON PERSONAL PROPERTY RECEIVED BY STATE SURPLUS PROPERTY AGENCIES TO BE DISTRIBUTED TO CERTAIN HEALTH AND EDUCATION INSTITUTIONS AND CIVIL DEFENSE ORGANIZATIONS

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property received by State surplus property agencies for distribution to Public Health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions, for the period July 1 through September 30, 1960 (with an accompanying report); to the Committee on Government Operations.

ALLOCATION OF CERTAIN SURPLUS PROPERTY UNDER CONTROL OF DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)), to provide that the Department of Defense may allocate surplus property under its control for transfer under that act only to educational institutions conducting approved military training programs (with an accompanying paper); to the Committee on Government Operations.

REPORT ON DISPOSALS OF FOREIGN EXCESS PROPERTY

A letter from the Administrative Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report on disposals of foreign excess property, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Gorgas Memorial Institute of Tropical & Preventive Medicine, Inc., for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Farmers Home Administration, Department of Agriculture, for the fiscal years 1958 and 1959 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Lower Colorado River Basin Water Resources Development Program, Bureau of Reclamation, Department of the Interior, for the fiscal years 1957–1958 (with an accompanying report); to the Committee on Government Operations.

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, an audit report on the General Supply Fund, General Services Administration, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Southwestern Power System and Related Activities, Corps of Engineers (Civil Functions), Department of the Army, and the Southwestern Power Administration, Department of the Interior, for the fiscal years

1958 and 1959 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON REVIEW BY COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the policies and procedures relating to the leasing of space, Public Buildings Service, General Services Administration, as of July 1959 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of certain activities of the U.S. Civil Administration of the Ryukyu Islands, dated November, 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of development and procurement of new combat and tactical vehicles by the Department of the Army, dated November 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of certain activities of the Government of the Virgin Islands of the United States, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the need for procurement of electric and telephone line construction trucks by the Department of the Air Force, dated November 30, 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the Federal-aid highway program, region 8, Portland, Oreg., Bureau of Public Roads, Department of Commerce, as of October 1959 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on review of air item supply operations at the Transportation Materiel Command, Department of the Army, St. Louis, Mo., dated August 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on review of the automatic data-processing system at the Transportation Materiel Command, Department of the Army, St. Louis, Mo. (with an accompanying report); to the Committee on Government Operations.

REPORTS ON CERTAIN EXAMINATIONS BY COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of the pricing of subcontracts issued to reaction motors division, Thiokol Chemical Corp., Denville, N.J., by Convair, a division of General Dynamics Corp., San Diego, Calif., under Department of the Air Force Prime Contract AF 04(645)-4, dated October 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of the pricing of F-101 airplane wings purchased from the Martin Co., Baltimore, Md., by McDonnell Aircraft Corp., St. Louis, Mo., under Department of the Air Force negotiated contract AF 33(600)-29841, dated November 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of the target price negotiated for sidewinder missile guidance and control units under the Department of the Navy fixed-price incentive contract Nord-16483, with Philco Corp., Philadelphia, Pa., dated October 1960 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of rental payments negotiated for the commercial use of Government-owned facilities furnished under Department of the Air Force Contract AF 33(038)-25718, with Avco Corp., Lycoming Division, Stratford, Conn., dated September, 1960 (with an accompanying report); to the Committee on Government Operations.

SHORT FORM REPORT ON AUDIT OF COLUMBIA RIVER POWER SYSTEM AND RELATED ACTIVITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a short-form report on the audit of the Columbia River Power System and Related Activities, for the fiscal year 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT OF ADMINISTRATOR OF GENERAL SERVICES

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, the annual report of that Administration for the fiscal year 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROPOSED PRESIDENTIAL ARCHIVAL DEPOSITORY OF CERTAIN PAPERS OF FORMER PRESIDENT HOOVER

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on the proposed presidential archival depository of house papers and other historical materials of former President Herbert Hoover (with accompanying papers); to the Committee on Government Operations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENT, OR RESEARCH WORK

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, for the 6-month period ended June 30, 1960 (with an accompanying report); to the Committee on Government Operations.

RESERVATION OF CERTAIN LAND AT NELLIS AIR FORCE RANGE, NEV.

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to provide for withdrawal and reservation by the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, Nev., for defense purposes, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESERVATION OF CERTAIN LAND AT LUKE-WILLIAMS AIR FORCE RANGE, YUMA, ARIZ.

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to provide for the withdrawal and reservation for the Departments of the Air Force and the Navy of certain public lands of the United States at Luke-Williams Air Force Range, Yuma, Ariz., for defense purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESTRICTION OF CERTAIN AREAS IN OUTER CONTINENTAL SHELF

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to provide for the restriction of certain areas in the Outer Continental Shelf for defense purposes, and for other purposes (Matagorda Water Range) (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON LONG RANGE PROGRAM FOR PUBLIC LANDS—PROJECT TWENTY-TWELVE

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the long range program for public lands—Project Twenty-Twelve, dated January 1960 (with an accompanying report); to the Committee on Interior and Insular Affairs.

READJUSTMENT OR CANCELLATION OF DEBTS AGAINST INDIVIDUAL OR TRIBES OF INDIANS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, orders for the adjustment or cancellation of debts against individual Indians or tribes of Indians, for the fiscal year 1960 (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the fourth annual report on the status of the Colorado River Storage Project and Participating Projects, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON AGATE DAM AND RESERVOIR, ROGUE RIVER BASIN PROJECT, OREGON

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report on the Agate Dam and Reservoir, Talen division, Rogue River Basin project, Oregon (with accompanying papers); to the Committee on Interior and Insular Affairs.

LAWS ENACTED BY LEGISLATURE OF VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Legislature of the Virgin Islands in its 1959 regular and special sessions (with accompanying papers); to the Committee on Interior and Insular Affairs.

CERTIFICATIONS OF ADEQUATE SOIL SURVEYS AND LAND CLASSIFICATIONS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Weber Basin project, Utah (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Eden project, Wyoming (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Florida project, Colorado (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Almena unit, Kanaska division, Missouri River Basin project, Kansas (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Yellowtail unit, Lower Bighorn division, Missouri River Basin project, Montana and

Wyoming (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Stone Corral Irrigation District, Calif. (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE DELUZ DAM, SANTA MARGARITA RIVER, CALIF.

A letter from the Under Secretary of the Navy, reporting, pursuant to law, on the construction, operation, and maintenance of the DeLuz Dam, Santa Margarita River, Calif.; to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPTS AND EXPENDITURES, OUTER CONTINENTAL SHELF LANDS

A letter from the Administrative Assistant Secretary, Department of the Interior, reporting, pursuant to law, on the receipts and expenditures under section 15 of the Outer Continental Shelf Lands Act; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

Two concurrent resolutions of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION 9

"Whereas members of the Federal judiciary on the district court and all other levels are appointed to office, and such appointment is for life during good behavior; and

"Whereas the powers vested in and/or exercised by Federal district judges are great, affecting as they do the life and liberties of all of the people and, in many instances, in practice being the final tribunal before which many issues are litigated since large numbers of questions arising in their courts never are appealed to higher Federal courts; and

"Whereas the powers vested in and/or exercised by Federal judges of all levels are of such magnitude that the best interests of the people of this Nation cannot always be served by appointment for life during good behavior, without adequate recourse for the people where it is determined that, perhaps despite so-called "good behavior," the judicial determinations of any of such judges are consistently not in the best interest of the people or are based on unclear and/or unreasonable interpretations of the U.S. Constitution and the laws of the land, or for any other reason fail to maintain that quality which the people have a right to expect of their judges; and

"Whereas while it is recognized that procedures exist for the removal of Federal judges for causes relating to good behavior, such procedures virtually deny to the people any means for such removal because of their difficulty of accomplishment; and

"Whereas the legislative and executive branches on all levels of government are elected by the people to serve for stated periods of time, thus affording the people periodic opportunity to review the actions of such officials and to either endorse or reject actions by the reelection or defeat of said officials; and

"Whereas the procedure followed for the legislative and executive branches is in keeping with the best traditions of a truly republican form of government: Therefore be it

"*Resolved by the Senate of the Legislature of the State of Louisiana (the House of Representatives thereof concurring herein)*, That the Congress of the United States is hereby petitioned, urged, and requested to initiate and take such steps as are necessary to provide in the Constitution and laws of the United States that all members of the Federal judiciary either shall be elected or, should it be determined that appointment of such judges should be the method of their selection, then that their appointment shall be for a stated period of time and not for life; and be it further

"*Resolved*, That copies of this resolution shall be transmitted to the Presiding Officers of the Senate and the House of Representatives of the Congress of the United States and to each member of the Louisiana delegation in the Congress.

"_____ _____,

"*Lieutenant Governor and President of the Senate.*

"_____ _____,

"*Speaker of the House of Representatives.*"

"HOUSE CONCURRENT RESOLUTION 21

"Whereas article V of the Constitution of the United States provides that upon the application of the legislatures of two-thirds of the several States, the Congress shall call a Convention for proposing amendments to said Constitution; and,

"Whereas the Legislature of Louisiana, by the enactment of Act No. 2 of the first extraordinary session of 1960, interposed the sovereignty of this State to preserve and protect the powers reserved to Louisiana and to its people by the 10th amendment to the Constitution of the United States against the usurpation asserted by the Supreme Court of the United States and the U.S. district courts of Louisiana pursuant to the decision of the former in *Brown* v. *Topeka Board of Education;* and

"Whereas said Act No. 2 of the first extraordinary session of 1960 provides that said act shall remain in effect only until such time as the Constitution of the United States may be amended by the process set forth therein to grant to the Federal Government the powers usurped by the Supreme Court of the United States in the case of *Brown* v. *Topeka Board of Education*, decided May 17, 1954, and other decisions of the Federal courts pursuant thereto: Now, therefore, be it

"*Resolved by the Legislature of Louisiana (the house of representatives and the senate concurring)*, That, by means of this resolution the Legislature of Louisiana does make application to the Congress to call a Convention for the purpose of proposing amendments to the Constitution of the United States to the end that the determination shall be made as to whether the State of Louisiana or the Federal Government is to control and operate the public school system in this State; be it further

"*Resolved*, That a certified copy of this resolution be forwarded by the clerk of the house of representatives to the Vice President, in his capacity as President of the U.S. Senate, and to the Speaker of the U.S. House of Representatives with the request that they be laid before the Congress for appropriate action; and be it further

"*Resolved*, That the copies of this resolution be forwarded by the clerk of the house of representatives to each Member of the Louisiana congressional delegation.

"_____ _____,

"*Speaker of the House of Representatives.*

"_____ _____,

"*Lieutenant Governor and President of the Senate.*"

A resolution adopted at the Ninth Annual Conference of the United States Civil Defense Council, relating to an adequate civil defense program; to the Committee on Armed Services.

Resolutions adopted at the 82d General Conference of the National Guard Association of the United States, at Honolulu, Hawaii, relating to ways and means whereby that Association can actively participate in countering the Communist threat, and so forth; to the Committee on Armed Services.

A resolution adopted by the Federacion Libre de los Trabajadores de Puerto Rico, San Juan, P.R., relating to sugar; to the Committee on Finance.

A letter in the nature of a memorial from the Society of the War of 1812 in the State of Maryland, Baltimore, Md., signed by E. Richard Coleman, secretary, notifying the Senate that that society had adopted a resolution opposing the deletion of the Connally amendment from the United Nations Charter; to the Committee on Foreign Relations.

A resolution adopted by the 61st Annual National Convention of the Veterans of Foreign Wars of the United States, Kansas City, Mo., relating to the erection on Corregidor Island of a suitable memorial to those servicemen who served in the Pacific theater during World War II; to the Committee on Foreign Relations.

A resolution adopted by the National Conference of State Legislative Leaders, at Chicago, Ill., relating to the policymaking powers of State legislatures; to the Committee on Government Operations.

A paper in the nature of a petition from the representatives of the city of Alpine, Tex., the chamber of commerce, and Brewster County, Tex., relating to matters of interest in that area; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the National Conference of State Legislative Leaders, Albany, N.Y., relating to certain congressional actions on the effectiveness of interstate commerce; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the officers of the Railroad Division of the Transport Workers Union of America, AFL-CIO, relating to the Pennsylvania Railroad strike insurance; to the Committee on Interstate and Foreign Commerce.

The petition of Andrew J. Easter, of Washington, D.C., relating to his claim for a redress of grievances; to the Committee on Interstate and Foreign Commerce.

The petition of Elmer J. Berset, of Los Angeles County, Calif., relating to the repeal of certain acts concerning the election of President and Vice President; to the Committee on the Judiciary.

The petition of Woodrow G. Besonen, of Jackson, Mich., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the J. Milton Edwards Post No. 2238, Veterans of Foreign Wars, Shreveport, La., relating to certain charges against U.S. District Judge J. Skelly Wright; to the Committee on the Judiciary.

A letter in the nature of a petition from the Crusade for God and Freedom, Los Angeles, Calif., signed by Thos. Wyatt, chairman, and Steve Foote, past State commander, American Legion of California, relating to the dangers of communism; to the Committee on the Judiciary.

The petition of Mrs. Robert Pinckney Tucker, of Charleston, S.C., relating to the filling of vacancies occurring on the Supreme Court of the United States; to the Committee on the Judiciary.

The petition of E. L. Marsh, of Roanoke, Va., relating to his application for a pension under the Railroad Retirement Act; to the Committee on Labor and Public Welfare.

The petition of Walter S. Sheppard, of Richmond Hill, N.Y., praying for a redress of grievances; to the Committee on Post Office and Civil Service.

PETITION FOR SUBMISSION TO THE PEOPLE OF THE PROPOSED 23D AMENDMENT TO THE CONSTITUTION

Mr. MORSE. Madam President, I ask unanimous consent to have appear at this point in my remarks a petition sent to me by Miss Marie Fredenburg of 5037 Northeast Alberta Street, Portland, Oreg. The petition speaks for itself.

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

To the HONORABLE WAYNE MORSE:

I, the undersigned citizen of the United States of America, hereby exercise my right to petition the Congress of the United States, through you, my duly elected representative of my State, Oregon, to submit to the people for ratification the proposed 23d amendment to the Constitution, now pending in Congress as House Joint Resolution 23, and already approved by Wyoming, Texas, and Nevada, which provides that:

"HOUSE JOINT RESOLUTION 23

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution.

"SEC. 2. The Constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"SEC. 3. The activities of the U.S. Government which violate the intent and purposes of this amendment shall, within a period of 3 years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the 16th article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

I certify that I am a citizen of the United States of America and am of legal voting age.

MARIE FREDENBURG.

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. DOUGLAS (for himself, Mr. CLARK, Mr. COOPER, Mr. BYRD of West VIRGINIA, Mr. RANDOLPH, Mr. SPARKMAN, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BEALL, Mr. JAVITS, Mr. HUMPHREY, Mr. MORSE, Mr. PASTORE, Mr. KEFAUVER, Mr. MONRONEY, Mr. ANDERSON, Mr. SYMINGTON, Mr. CHAVEZ, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCNAMARA, Mr. JACKSON, Mr. HART, Mr. CARROLL, Mr. CASE of New Jersey, Mr. BIBLE, Mr. CHURCH, Mr. HARTKE, Mr. GRUENING, Mr. MOSS, Mr. BARTLETT, Mr. MCGEE, Mr. YOUNG of Ohio, Mr. LONG of Hawaii, Mr. YARBOROUGH, Mr. ENGLE, Mr. DODD, Mr. BURDICK, Mrs. NEUBERGER, Mr. METCALF, Mr. LONG of Missouri, Mr. PELL, Mr. SMITH of Massachusetts, and Mr. CANNON):

S. 1. A bill to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN (for himself, Mr. LONG of Louisiana, Mr. HUMPHREY, Mr. SMATHERS, Mr. MORSE, Mr. BIBLE, Mr. RANDOLPH, Mr. ENGLE, Mr. BARTLETT, Mr. WILLIAMS of New Jersey, Mr. MOSS, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. JAVITS, Mr. COOPER, Mr. SCOTT, Mr. PROUTY, Mr. BYRD of West Virginia, Mr. CARROLL, Mr. DODD, Mr. GRUENING, Mr. KEFAUVER, Mrs. NEUBERGER, Mr. YARBOROUGH, Mr. PASTORE, and Mr. JACKSON):

S. 2. A bill to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable; to the Committee on Finance.

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

By Mr. MCCLELLAN (for himself, Mr. BRIDGES, Mr. THURMOND, Mr. HOLLAND, Mr. ROBERTSON, Mr. HILL, Mr. BENNETT, Mr. SPARKMAN, Mr. RUSSELL, Mr. MUNDT, Mr. SCHOEPPEL, Mr. YOUNG of North Dakota, Mr. STENNIS, Mr. HICKENLOOPER, Mr. WILLIAMS of Delaware, Mr. TALMADGE, Mr. CURTIS, Mr. GOLDWATER, Mr. BYRD of Virginia, Mr. JORDAN, Mr. SMATHERS, and Mr. BLAKLEY):

S. 3. A bill to establish rules of interpretation governing questions of the effect of Acts of Congress on State laws; to the Committee on the Judiciary.

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

By Mr. YARBOROUGH:

S. 4. A bill to provide for the establishment of the Padre Island National Seashore; to the Committee on Interior and Insular Affairs.

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

By Mr. PROUTY:

S. 5. A bill to provide for the establishment of a permanent program of extended unemployment compensation benefits to be payable during periods of high unemployment; to the Committee on Finance.

By Mr. SCOTT:

S. 6. A bill to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas; to the Committee on Banking and Currency.

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

By Mr. MUNDT:

S. 7. A bill to provide for the increased use of agricultural products for industrial purposes; to the Committee on Agriculture and Forestry.

By Mr. MCNAMARA (for himself and Mr. HART):

S. 8. A bill to authorize Federal financial assistance for school construction and teachers' salaries; to the Committee on Labor and Public Welfare.

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

By Mr. DIRKSEN (for himself, Mr. BUSH, Mr. CARLSON, Mr. WILEY, Mr. BEALL, Mr. HICKENLOOPER, Mr. SALTONSTALL, Mr. MILLER, Mr. FONG, and Mr. MORTON):

S. 9. A bill to assist areas to develop and maintain stable and diversified economies and create new employment opportunities, and for other purposes; to the Committee on Banking and Currency.

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

My Mr. WILEY (for himself and MR. BIBLE):

S. 10. A bill for the establishment of a Commission on Federal Taxation; to the Committee on Finance.

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

By Mr. KEFAUVER (for himself, Mr. CHURCH, Mr. HUMPHREY, Mr. MORSE, Mr. MOSS, Mr. MAGNUSON, Mr. WILEY, Mr. SMATHERS, and Mr. JACKSON):

S. 11. A bill to amend the Clayton Act as amended by the Robinson-Patman Act with reference to equality of opportunity; to the Committee on the Judiciary.

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

By Mr. KEATING:

S. 12. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title; to the Committee on Finance.

By Mr. ENGLE (for himself and Mr. KUCHEL):

S. 13. A bill to provide for Federal assistance in the development of irrigation in connection with non-Federal municipal and industrial water projects, and for other purposes; to the Committee on Public Works.

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

By Mr. BENNETT:

S. 14. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 15. A bill to retrocede to the State of Utah concurrent jurisdiction over certain lands within such State, which are under the jurisdiction of the United States; to the Committee on Government Operations.

S. 16. A bill to provide for the establishment of a Soil and Water Conservation Laboratory; to the Committee on Agriculture and Forestry.

S. 17. A bill conferring jurisdiction on the Court of Claims to make findings with respect to the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them as a result of the cancellation of their grazing permits by the U.S. Air Force, and to provide for payments of amounts so determined to such individuals; to the Committee on the Judiciary.

S. 18. A bill to provide fishery conservation measures on the Provo River, Utah, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 19. A bill for the relief of Mrs. Takimi Yamada; and

S. 20. A bill to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. MOSS):

S. 21. A bill to provide grants to the States to assist them in informing and educating children in schools with respect to the harmful effects of tobacco, alcohol, and other potentially deleterious consumables; to the Committee on Labor and Public Welfare.

By Mr. CASE of South Dakota (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. CHAVEZ, Mr. FONG, Mr. GOLDWATER, Mr. JAVITS, Mr. KERR, Mr. LONG of Hawaii, Mr. MCGEE, Mr. MOSS, Mr. WILEY, and Mr. ENGLE):

S. 22. A bill to expand and extend the saline water conversion program under the

direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. AIKEN (for himself, Mr. YOUNG of North Dakota, Mr. HUMPHREY, and Mr. ANDERSON):

S. 23. A bill to safeguard the health, efficiency, and morale of the American people; to provide for improved nutrition through a more effective distribution of food supplies through a food allotment program; to assist in maintaining fair prices and incomes to farmers by providing adequate outlets for agricultural products; to prevent burdening and obstructing channels of interstate commerce; to promote the full use of agricultural resources; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. AIKEN (for himself and Mr. HUMPHREY):

S. 24. A bill to authorize cooperative associations of milk producers to bargain with purchasers singly or in groups, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MOSS:

S. 25. A bill to authorize the Secretary of the Interior to establish the Great Salt Lake National Park in the State of Utah; and

S. 26. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYMINGTON:

S. 27. A bill to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers or other things; to the Committee on the Judiciary.

By Mr. BUSH:

S. 28. A bill for the relief of Mrs. Michael Stone;

S. 29. A bill for the relief of Ok Nyu Choi (Ann Wollmar);

S. 30. A bill for the relief of Miss Andreina Viselli;

S. 31. A bill for the relief of Miss Hazel Tseng; and

S. 32. A bill for the relief of Jenno Becsay; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 33. A bill to remove wheat for seeding purposes which has been treated with poisonous substances from the "unfit for human consumption" category for the purposes of section 22 of the Agricultural Adjustment Act of 1933, and for other purposes;

S. 34. A bill to amend section 16(a) of title I of the Bankhead-Jones Farm Tenant Act, as amended, so as to permit loans insured thereunder to be insured for the full value of the farm, less any prior lien indebtedness;

S. 35. A bill relating to acreage allotments for Durum wheat;

S. 36. A bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; and

S. 37. A bill to provide for the establishment of a Spring wheat quality research laboratory in the State of North Dakota; to the Committee on Agriculture and Forestry.

S. 38. A bill to provide for the establishment of the Geographic Center of the North American Continent National Monument;

S. 39. A bill to provide for the return to the former owners of certain lands, including Indian tribal lands, acquired in connection with the Garrison Dam project of mineral interests in such lands;

S. 40. A bill to authorize the Secretary of the Interior to receive from the Devils Lake Sioux Tribe of the Fort Totten Reservation, N. Dak., a deed conveying certain property on such reservation to the United States, and for other purposes; and

S. 41. A bill to provide that the United States shall return to the former owners oil and gas rights in certain lands acquired for the Garrison Dam and Reservoir project, North Dakota; to the Committee on Interior and Insular Affairs.

S. 42. A bill for the relief of Markos J. Janavaras;

S. 43. A bill for the relief of Doctor Fang Luke Chiu; and

S. 44. A bill for the relief of Freda Feller; to the Committee on the Judiciary.

S. 45. A bill to amend the Federal Water Pollution Control Act in order to increase certain amounts authorized therein for grants for sewerage treatment works; to the Committee on Public Works

By Mr. CHAVEZ (for himself and Mr. ANDERSON):

S. 46. A bill to provide for the establishment and administration of basic public recreation facilities at the Elephant Butte and Caballo Reservoir areas, New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 47. A bill to provide for the appointment of an additional district judge for the district of New Mexico; to the Committee on the Judiciary.

By Mr. CHAVEZ:

S. 48. A bill to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas;

S. 49. A bill to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes; and

S. 50. A bill to authorize the making and enforcement of regulations at water supply projects in the District of Columbia and environs, and for other purposes; to the Committee on Public Works.

By Mr. CHAVEZ (for himself, Mr. CASE of South Dakota, and Mr. HRUSKA):

S. 51. A bill to provide for a Commission on Presidential Office Space; to the Committee on Public Works.

By Mr. GOLDWATER:

S. 52. A bill to amend the Federal Unemployment Tax Act so as to exclude therefrom service performed in the employment of certain political committees; to the Committee on Finance.

S. 53. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property; to the Committee on Government Operations.

S. 54. A bill to grant 81 acres of public domain to the Cocopah Indians in Arizona; and

S. 55. A bill to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 56. A bill to amend the Communications Act of 1934 with respect to the broadcasting of returns of presidential elections to the Committee on Interstate and Foreign Commerce.

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

S. 57. A bill to amend Public Laws 815 and 874, 81st Congress, relating to school assistance in federally affected areas, so as to limit payments under such laws to situations involving tax-exempt Federal property; to the Committee on Labor and Public Welfare.

By Mr. SMATHERS:

S. 58. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents; and

S. 59. A bill to encourage the establishment of voluntary pension plans by self-employed individuals; to the Committee on Finance.

S. 60. A bill to amend the National Labor Relations Act so as to prohibit discrimination in employment because of age; to the Committee on Labor and Public Welfare.

S. 61. A bill to establish an additional judicial district within the State of Florida; and

S. 62. A bill to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan; to the Committee on the Judiciary.

By Mr. SMATHERS (for himself and Mr. HOLLAND):

S. 63. A bill to provide for the appointment of additional judges for the southern district and the northern and southern districts of Florida; to the Committee on the Judiciary.

S. 64. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

My Mr. McNAMARA:

S. 65. A bill to provide for the payment of hospital and other health services furnished to aged retired individuals, and to provide for a continuing study of the health needs of such individuals; to the Committee on Finance.

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

By Mr. CHURCH (for himself and Mr. DWORSHAK):

S. 66. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a reregulating reservoir and other works at the Burns Creek site in the upper Snake River Valley, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. SCHOEPPEL:

S. 67. A bill for the relief of Col. Samuel Hale;

S. 68. A bill for the relief of Kay Addis;

S. 69. A bill to provide for the appointment of a district judge for the district of Kansas;

S. 70. A bill for the relief of Mah Ngim Hay (Joe Mah); and

S. 71. A bill for the relief of Mah Ngim Bell (Bill Mah); to the Committee on the Judiciary.

S. 72. A bill to provide for the establishment of the Fort Scott National Historic Site, in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHOEPPEL (for himself and Mr. CARLSON):

S. 73. A bill to authorize the establishment of the Prairie National Park, in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CARLSON:

S. 74. A bill to amend the Civil Service Retirement Act so as to provide for recomputation of annuities where persons designated to receive survivor annuities predecease the annuitants;

S. 75. A bill to amend the Civil Service Retirement Act so as to eliminate the provisions requiring termination of annuities of surviving widows or widowers upon remarriage; and

S. 76. A bill to extend the second-class mailing privilege to bulletins of State industrial development agencies; to the Committee on Post Office and Civil Service.

By Mr. BEALL:

S. 77. A bill to establish the Chesapeake and Ohio Canal National Historical Park in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 78. A bill to establish the Inland Navigation Commission; to authorize the provision and collection of fair and reasonable charges for use of inland waterway navigational improvements constructed, maintained, or operated with Federal funds and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota:

S. 79. A bill to authorize the Secretary of the Army to convey certain lands located in Burleigh County, N. Dak., to the city of Bismarck, N. Dak.; to the Committee on Armed Services.

By Mr. SPARKMAN:

S. 80. A bill to provide increases in compensation for food service workers and laundry workers under the Veterans' Administration; to the Committee on Labor and Public Welfare.

S. 81. A bill to amend the Annual and Sick Leave Act of 1951 to provide that any annual leave credited to an employee at the end of a leave year which is in excess of the maximum amount which can be carried over into the next leave year shall be credited to the employee's sick leave account; to the Committee on Post Office and Civil Service.

By Mr. COOPER:

S. 82. A bill for the relief of Naoko Ishiwatari White;

S. 83. A bill for the relief of Maria Carraro;

S. 84. A bill for the relief of Jasper Y. Willoughby; and

S. 85. A bill for the relief of Rosario Barrena Villachoia, Maria Dolores Villar Salinas, Angela Casanova Cabello, Carmen Guenaga Anchustegui, and Flora Casals Pons; to the Committee on the Judiciary.

By Mr. COOPER (for himself and Mr. MORTON):

S. 86. A bill to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas; to the Committee on Public Works.

By Mr. HOLLAND:

S. 87. A bill to amend the National Labor Relations Act so as to provide that nothing therein shall invalidate the provisions of State laws prohibiting strikes in public utilities; and

S. 88. A bill to amend the Railway Labor Act with respect to the settlement of labor disputes involving common carriers by air; to the Committee on Labor and Public Welfare.

S. 89. A bill to amend title II of the Social Security Act so as to permit the exclusion, in computing the average monthly wage of certain veterans, of certain periods during which they were on active duty with the Armed Forces of the United States; to the Committee on Finance.

S. 90. A bill for the relief of James V. Williams; and

S. 91. A bill for the relief of Mrs. Sue Pyle; to the Committee on the Judiciary.

By Mr. HOLLAND (for himself and Mr. SMATHERS):

S. 92. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; and

S. 93. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

S. 94. A bill to provide that the highway running from Tampa, Fla., through Bradenton, Fla., Punta Gorda, Fla., Fort Myers, Fla., Naples, Fla., and Miami, Fla., to Homestead, Fla., shall be a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. DWORSHAK:

S. 95. A bill for the relief of Esperanza Martin Prada; to the Committee on the Judiciary.

By Mr. CARLSON:

S. 96. A bill to amend the Federal Employees Health Benefits Act of 1959 so as to eliminate any discrimination against married female employees; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 97. A bill to promote the utilization of Indian-owned resources by Indians of the three affiliated tribes of the Fort Berthold Reservation;

S. 98. A bill to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; and

S. 99. A bill directing the Secretary of the Interior to convey certain property in the State of North Dakota to the city of Bismarck, N. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. ENGLE:

S. 100. A bill to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HOLLAND:

S. 101. A bill for the relief of the Simpson Construction Co.; to the Committee on the Judiciary.

By Mr. ENGLE:

S. 102. A bill to establish a Commission to study and propose improvements in the methods of nominating and electing the President and Vice President; to the Committee on Rules and Administration.

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

By Mr. ENGLE (for himself and Mr. KUCHEL):

S. 103. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom south unit, American River division, Central Valley project, California, under Federal reclamation laws; to the Committee on Interior and Insular Affairs.

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

By Mr. ANDERSON:

S. 104. A bill to waive certain restrictions of the New Mexico enabling act with respect to certain sales of lands granted to the State by the United States; and to consent to an amendment of the constitution of the State of New Mexico;

S. 105. A bill to provide for the construction of recreation facilities in the Elephant Butte Reservoir area, New Mexico; and

S. 106. A bill to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 636), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. CHAVEZ):

S. 107. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial state of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. GOLDWATER):

S. 108. A bill to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. GRUENING):

S. 109. A bill to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. DWORSHAK):

S. 110. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. CHAVEZ, Mr. BENNETT, Mr. JACKSON, Mr. YOUNG of North Dakota, Mr. CASE of South Dakota, Mr. MUNDT, Mr. BIBLE, Mr. MCGEE, Mr. BARTLETT, Mr. MOSS, Mr. CARROLL, and Mr. KUCHEL):

S. 111. A bill to authorize public land States to select certain public lands in exchange for land taken by the United States for military and other uses, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KERR (for himself and Mr. MONRONEY):

S. 112. A bill to provide that the Secretary of the Army shall establish a national cemetery in Fort Reno, Okla., on certain lands presently under the jurisdiction of the Secretary of Agriculture; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 113. A bill to amend the Bankruptcy Act with respect to the priority of debts owed by a bankrupt to workmen, servants, clerks, and certain salesmen; to the Committee on the Judiciary.

By Mr. KERR (for himself and Mr. MONRONEY):

S. 114. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Waurika reclamation project, Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. KERR (for himself, Mr. MONRONEY, Mr. SCHOEPPEL, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, and Mr. METCALF):

S. 115. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself and Mr. KEATING):

S. 116. A bill to permit certain alien spouses of members of the Armed Forces to

reenter the United States without payment of visa fees; to the Committee on the Judiciary.

By Mr. KERR (for himself and Mr. MONRONEY):

S. 117. A bill to authorize the construction, operation, and maintenance of the Canton project, Oklahoma, by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 118. A bill for the relief of Helen Irma Imhoof; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. KEATING):

S. 119. A bill to provide for an additional payment of $165,000 to the village of Highland Falls, N.Y., toward the cost of the water filtration plant constructed by such village; to the Committee on the Judiciary.

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. MOSS, Mr. CASE OF South Dakota, Mr. MONRONEY, and Mrs. NEUBERGER):

S. 120. A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control; to the Committee on Public Works.

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

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. CASE of South Dakota, Mr. MONRONEY, Mr. COOPER, and Mrs. NEUBERGER):

S. 121. A bill to make the evaluation of recreational benefits resulting from the construction of any Federal water resources project an integral part of project planning, and for other purposes; to the Committee on Public Works.

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

By Mr. ALLOTT (for himself and Mr. CARROLL):

S. 122. A bill to amend the Internal Revenue Code of 1954 to establish a 27½ percent depletion allowance for minerals mined as a source of synthetic oil or gas; to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. KEATING, Mr. BENNETT, Mr. COOPER, Mr. ALLOTT, and Mr. KUCHEL):

S. 123. A bill to amend title 18 of the United States Code relating to threats or injury to Federal officers in the discharge of their duties; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 124. A bill for the relief of Amaran Bin Jamil;

S. 125. A bill for the relief of Juan Jose Elorriage;

S. 126. A bill for the relief of Edward W. Scott III;

S. 127. A bill for the relief of Manuel Gil-Carrasco and Jesus Torrado-Espana;

S. 128. A bill for the relief of Victor Echevarria Zubieta;

S. 129. A bill for the relief of Tashiko Gima and her minor child, Kentaroo Gima; and

S. 130. A bill for the relief of Ioannis F. Kostakis; to the Committee on the Judiciary.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 131. A bill for the relief of Orlando Gonfiantini; to the Committee on the Judiciary.

By Mr. BIBLE (for himself and Mr. DIRKSEN):

S. 132. A bill for the relief of Man-Yeh Chow; to the Committee on the Judiciary.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. HAYDEN, and Mr. GOLDWATER):

S. 133. A bill giving the consent of Congress to a compact between the State of Arizona and the State of Nevada establishing a boundary between those States; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 134. A bill for the relief of Constantin Zarna and his wife, Eva Zarna, and their two sons, Pavel Zarna and Constantin Zarna;

S. 135. A bill for the relief of Janis Papulis;

S. 136. A bill for the relief of Dinko Dorcic;

S. 137. A bill for the relief of Borivoje Ilic;

S. 138. A bill for the relief of Mico Delic;

S. 139. A bill for the relief of Krste Angeloff;

S. 140. A bill for the relief of Vladimir (Talevic) Talevski;

S. 141. A bill for the relief of Chrysostomos Pascali (Paschalis); and

S. 142. A bill for the relief of Giacomo Ferro; to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 143. A bill to authorize the Secretary of the Interior to exchange certain property in Rocky Mountain National Park, Colo., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUSH (for himself and Mr. BENNETT):

S. 144. A bill to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy; to the Committee on Banking and Currency.

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

By Mr. LONG of Hawaii:

S. 145. A bill to provide that the Secretaries of State and Commerce shall investigate and report to the Congress as to the feasibility of establishing a Pacific International House on Sand Island, Hawaii; to the Committee on Foreign Relations.

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

By Mr. PROXMIRE (for himself, Mr. AIKEN, Mr. CHURCH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MUNDT, Mr. SYMINGTON, Mr. TALMADGE, Mr. WILEY, Mr. YOUNG of North Dakota, Mr. MCCARTHY, Mr. PROUTY, Mr. KEATING, Mr. CARROLL, Mr. YOUNG of Ohio, Mr. KEFAUVER, Mr. YARBOROUGH, Mr. CARLSON, Mr. JACKSON, and Mr. COOPER):

S. 146. A bill to extend and increase the special milk program for children; to the Committee on Agriculture and Forestry.

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

By Mr. DIRKSEN:

S. 147. A bill to authorize the Secretary of Agriculture to develop a recreation area in connection with the Shawnee National Forest in Pope County, Ill., and for other purposes; to the Committee on Agriculture and Forestry;

S. 148. A bill for the relief of Silvana Dibiasio Flacco;

S. 149. A bill for the relief of the estate of Gregory J. Kessenich;

S. 150. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office; and

S. 151. A bill for the incorporation of the Merchant Marine and Maritime Service Veterans' Association; to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 152. A bill for the relief of Hee Chan; to the Committee on the Judiciary.

By Mr. MCCLELLAN (for himself, Mr. JACKSON, Mr. HUMPHREY, and Mr. ERVIN):

S. 153. A bill to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963; to the Committee on Government Operations.

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

By Mr. MCCLELLAN (for himself, Mr. BENNETT, and Mr. MOSS):

S. 154. A bill to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes; to the Committee on Government Operations.

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

By Mr. KEATING (for himself and Mr. JAVITS):

S. 155. A bill to amend title 23 of the United States Code relating to highways, in order to permit States having toll and free roads, bridges, and tunnels designated as part of the National System of Interstate and Defense Highways to designate other routes for inclusion in the Interstate System; to the Committee on Public Works.

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

By Mr. MUNDT:

S. 156. A bill for the relief of Bum-Nai Eddie Ham; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. CARROLL):

S. 157. A bill providing for the appointment of an additional district judge for the District of Colorado; to the Committee on the Judiciary.

By Mr. MORSE:

S. 158. A bill to confer upon the Domestic Relations Branch of the Municipal Court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro; to the Committee on the District of Columbia.

S. 159. A bill for the relief of the estate of Gerald E. Helmer; and

S. 160. A bill for the relief of Thomas O. Tate, Jr.; to the Committee on the Judiciary.

S. 161. A bill to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to certain employees engaged in hazardous activities; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. MORSE when he introduced the above-mentioned bills, which appear under separate headings.)

By Mr. MUNDT (for himself, Mr. SCOTT, Mr. PROUTY, Mr. KEFAUVER, Mr. BIBLE, Mr. KUCHEL, Mr. BUSH, Mr. KEATING, Mr. SCHOEPPEL, Mr. FONG, Mr. BRIDGES, Mr. YOUNG of North Dakota, Mr. BENNETT, Mr. COOPER, Mr. CASE of New Jersey, Mr. HOLLAND, Mr. HUMPHREY, Mr. THURMOND, Mr. RANDOLPH, Mr. SMATHERS, Mr. CARROLL, and Mr. DWORSHAK):

S. 162. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Government Operations.

By Mr. THURMOND:

S. 163. A bill to provide for the conveyance of certain real property to the city of Myrtle Beach, S.C., for National Guard purposes; to the Committee on Armed Services.

By Mr. MORSE:

S. 164. A bill for the relief of Cherie Helen Bratton; to the Committee on the Judiciary.

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

By Mr. MORSE (for himself and Mr. HUMPHREY):

S. 165. A bill to require Members of Congress, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities; to the Committee on Rules and Administration.

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

By Mr. KEFAUVER:

S. 166. A bill to amend the Clayton Act, as amended, by requiring prior notification of corporate mergers and acquisitions, and for other purposes;

S. 167. A bill to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes;

S. 168. A bill to make the Sherman Act and the Federal Trade Commission Act applicable to the organized team sport of baseball and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes;

S. 169. A bill for the relief of Dr. Rodolfo De Oca;

S. 170. A bill for the relief of Dr. Eugenio De Lacruz and his wife, Josefa Ancheta Lacruz;

S. 171. A bill for the relief of Bernard J. Braganza; and

S. 172. A bill for the relief of Chi Yan Chu; to the Committee on the Judiciary.

(See the remarks of Mr. KEFAUVER when he introduced the first three above-mentioned bills, which appear under separate headings.)

By Mr. JOHNSTON (for himself and Mr. HUMPHREY):

S. 173. A bill to provide for the increased use of agricultural products for industrial purposes; to the Committee on Agriculture and Forestry.

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

By Mr. ANDERSON:

S. 174. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MOSS:

S. 175. A bill to amend the Colorado River Storage Project Act with respect to the protection of national parks and monuments under the provisions of such act; to the Committee on Interior and Insular Affairs.

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

By Mr. KEATING:

S. 176. A bill for the relief of Robert Roberts;

S. 177. A bill for the relief of Hadji Benlevi; and

S. 178. A bill for the relief of Michael J. Collins; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 179. A bill to amend section 201 of the Act of September 21, 1959 (73 Stat. 610), to provide for the nutritional enrichment and the sanitary transportation and storage of rice distributed under certain programs; to the Committee on Agriculture and Forestry.

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

By Mrs. SMITH of Maine (for herself, Mr. BEALL, Mr. CHAVEZ, and Mr. MORSE):

S.J. Res. 1. Joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote; to the Committee on the Judiciary.

(See the remarks of Mrs. SMITH of Maine when she introduced the above joint resolution, which appear under a separate heading.)

By Mr. JOHNSTON:

S.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

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

By Mr. DIRKSEN (by request):

S.J. Res. 3. Joint resolution designating the American marigold (tagetes erecta) as the national floral emblem of the United States; to the Committee on the Judiciary.

By Mr. DODD:

S.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States relative to the election of President and Vice President; to the Committee on the Judiciary.

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

By Mr. GOLDWATER:

S.J. Res. 5. Joint resolution for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to State and local governments or their instrumentalities; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON:

S.J. Res. 6. Joint resolution to provide for the reappointment of Dr. Jerome C. Hunsaker as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

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

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States relating to the adjournment of Congress; to the Committee on the Judiciary.

By Mr. HOLLAND (for himself and Mr. SMATHERS):

S.J. Res. 8. Joint resolution to provide for the designation of the week of Whitsunday of each year as Hernando de Soto Week; to the Committee on the Judiciary.

By Mr. SMATHERS:

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President in the event of the death or inability of the President; to the Committee on the Judiciary.

S.J. Res. 10. Joint resolution to establish a Commission to study and propose improvements in the methods of nominating and electing the President and Vice President; to the Committee on Rules and Administration.

By Mr. CASE of South Dakota:

S.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States providing for a term of 4 years for Members of the House of Representatives; to the Committee on the Judiciary.

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

By Mr. MUNDT (for himself, Mr. THURMOND, Mr. MCCLELLAN, Mr. HRUSKA, Mr. MORTON, and Mr. BLAKLEY):

S.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

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

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S.J. Res. 13. Joint resolution to authorize the construction of a hotel and related facilities in Mount Rainier National Park; to the Committee on Interior and Insular Affairs.

By Mr. KEFAUVER:

S.J. Res. 14. Joint resolution to amend the Constitution of the United States concerning residence requirement for voting for President and Vice President of the United States;

S.J. Res. 15. Joint resolution proposing an amendment to the Constitution to repeal the 22d article of amendment to the Constitution;

S.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President by primary elections;

S.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President;

S.J. Res. 18. Joint resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives;

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States relating to cases where the President is unable to discharge the powers and duties of his office; and

S.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

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

CONCURRENT RESOLUTION

PRESIDENTIAL POWER TO VETO ITEMS IN CERTAIN BILLS

Mr. BUSH (for himself, Mr. BYRD of Virginia, and Mr. WILLIAMS of Delaware) submitted a concurrent resolution (S. Con. Res. 2); which was referred to the Committee on Rules and Administration.

RESOLUTIONS

AMENDMENT OF RULE XIV OF STANDING RULES OF THE SENATE

Mr. DIRKSEN submitted the following resolution (S. Res. 15); which was referred to the Committee on Rules and Administration:

Resolved, That, effective at the beginning of the second session, Eighty-seventh Congress, paragraph numbered 1 of rule XIV of the Standing Rules of the Senate be, and the same is hereby, amended by adding after the word "day", after the end of said paragraph, a semicolon and the following: "and no bill, resolution, or amendment may be introduced or proposed jointly by two or more Senators, except that (1) the two Senators from any State may jointly introduce or propose any private bill or resolution or any bill, resolution, or amendment of a local

nature or of interest primarily to the residents of such State, and (2) two or more Senators may jointly introduce or propose any bill or joint resolution authorizing the States represented by them to negotiate or to enter into an interstate compact. Except as provided above, the affixing of the names of two or more Senators to a bill, resolution, or amendment is unauthorized.": so that as amended the paragraph will read as follows:

"1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day; and no bill, resolution, or amendment may be introduced or proposed jointly by two or more Senators, except that (1) the two Senators from any State may jointly introduce or propose any private bill or resolution or any bill, resolution, or amendment of a local nature or of interest primarily to the residents of such State, and (2) two or more Senators may jointly introduce or propose any bill or joint resolution authorizing the States represented by them to negotiate or to enter into an interstate compact. Except as provided above, the affixing of the names of two or more Senators to a bill, resolution, or amendment is unauthorized."

AUTHORIZATION FOR CERTAIN EXPENDITURES BY COMMITTEE ON PUBLIC WORKS

Mr. CHAVEZ submitted the following resolution (S. Res. 16); which was referred to the Committee on Public Works:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate from February 1, 1961, to January 31, 1962, inclusive, to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and of the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any departments or agencies of the Government.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PARTICIPATION IN CONFERENCE ON TARIFF MODIFICATIONS

Mr. DWORSHAK submitted the following resolution (S. Res. 17), which was referred to the Committee on Finance:

Whereas the present imbalance of dollar payments which has resulted in a serious drain on the gold reserves of the United States has been caused in large part by concessions in tariffs negotiated through the General Agreement on Tariffs and Trade;

Whereas conferences which may lead to further tariff concessions through the General Agreement on Tariffs and Trade are now being held in Geneva, Switzerland; and

Whereas participation by the United States in the General Agreement on Tariffs and Trade has never been approved by the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that the participation by the United States in the conferences seeking further modifications in our tariffs through the General Agreement on Tariffs and Trade should be terminated immediately and all representatives of the United States at such conferences should be recalled.

SELECT COMMITTEE TO INVESTIGATE IMPACT OF LABOR-MANAGEMENT DISPUTES AND OF COLLECTIVE BARGAINING ON THE NATIONAL ECONOMY AND THEIR EFFECT ON AMERICAN PUBLIC

Mr. GOLDWATER submitted the following resolution (S. Res. 18), which was referred to the Committee on Labor and Public Welfare:

Resolved, That there is hereby established a select committee which is authorized and directed to conduct an investigation and study of the impact of labor-management disputes and of collective bargaining generally on the national economy, and the effects thereof on the well-being of the American public as a whole, and to determine whether any changes are required in the laws of the United States in order to protect the national economy and to safeguard the interests of the public.

SEC. 2. (a) The select committee shall consist of eight members to be appointed by the Vice President, selected in equal numbers from the Committee on Interstate and Foreign Commerce and the Committee on Labor and Public Welfare, and two members from each committee shall be members of the majority and two of the minority Members of the Senate. At its first meeting, to be called by the Vice President, the select committee shall select a chairman and vice chairman, and adopt rules of procedures not inconsistent with the rules of the Senate.

(b) Any vacancy shall be filled in the same manner as the original appointments.

SEC. 3. (a) The select committee shall report to the Senate by January 31, 1962, inclusive, and shall, if deemed appropriate, include in its report specific legislative recommendations.

(b) Upon the filing of its final report the select committee shall cease to exist.

SEC. 4. For the purposes of this resolution the select committee is authorized to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) take such testimony; (5) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (6) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel, as it may deem necessary and appropriate; and further, with the consent of other committees or subcommittees, work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the select committee.

SEC. 5. The expenditures authorized by this resolution shall not exceed $, and shall be paid upon vouchers signed by the chairman of the select committee.

FUNERAL EXPENSES OF THE LATE SENATOR HENNINGS OF MISSOURI

Mr. SYMINGTON submitted the following resolution (S. Res. 19), which was referred to the Committee on Rules and Administration:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Thomas C. Hennings, Jr., late a Senator from the State of Missouri, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

THE AREA REDEVELOPMENT BILL

Mr. DOUGLAS. Mr. President, I introduce for appropriate reference the area redevelopment bill; and I am very happy to have been joined by 43 other Senators as cosponsors.

I shall try to follow the injunction of my colleagues, so as to confine my remarks to 3 minutes.

Mr. President, this is the fourth Congress in which I have introduced an area redevelopment bill. The Senate has approved such a bill on three occasions. I hope the 87th Congress will consider the bill favorably and with a sense of urgency.

The need for this bill has increased during the 5 years since the Senate first approved the distressed area bill. Rising unemployment and inadequate economic growth have accentuated the problems of unemployment throughout the Nation. The number of distressed areas has increased. There are nearly 100 such areas of substantial and persistent unemployment. In these areas, there are at least 15 million people and over 600,000 unemployed. Unemployment throughout the Nation now exceeds 6 percent, but unemployment in the distressed areas is nearly twice as high, and in about a score of communities it exceeds depression proportions of 15 percent or more.

There are also hundreds of counties in predominantly rural areas where incomes are extremely low and unemployment is extremely high. These counties have an additional population of from 4 to 7 million.

The express purpose of the bill is to establish an effective program for reducing substantial and persistent unemployment and underemployment in the distressed areas of the country and to help maintain a continuing high level of economy throughout the United States.

This economically unhealthy situation creates hardship to many individuals and their families and impairs the national welfare by wasting human resources. This bill will assist communities, industries, enterprises, and individuals in distressed areas to achieve lasting local improvements by the development of new employment opportunities.

It is now generally accepted that the Federal Government has a responsibility to help assure maximum employment. This principle is now a part of the law of the land, through the enactment of the Employment Act of 1946. The persistence of high unemployment and underemployment in many areas should be fought by the Federal Government, not only because it causes great human

suffering in these areas, but also because these conditions are a threat to the general welfare of the Nation. The bill which we offer recognizes this responsibility to the areas of chronic unemployment and underemployment and provides for a program which will help the people in these areas expand their economic activities. The bill proposes a program which will stimulate these areas to help themselves.

I am encouraged by the growing acceptance of the principles underlying the bill.

President-elect Kennedy, who was a great champion of the bill when he served in the Senate, has given the bill a high priority in his legislative program. In receiving the task force report last Sunday, the President-elect endorsed the principles of this bill, and stated:

It would be a mistake to consider the problems of chronic unemployment and underemployment solely in the context of the areas directly affected. The entire Nation suffers when there is prolonged hardship in any locality. This problem is especially critical today, for 1 out of every 10 persons in the United States lives in an area that now feels the impact of chronic unemployment or underemployment.

I ask unanimous consent to insert in the RECORD the text of the bill, a digest of the bill, the latest U.S. Department of Labor list of substantial and persistent labor surplus areas, and an editorial from the Washington Star of January 3, 1961.

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

The bill (S. 1) to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas, introduced by Mr. DOUGLAS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Area Redevelopment Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our communities are suffering substantial and persistent unemployment and underemployment; that such unemployment and underemployment cause hardship to many individuals and their families and detract from the national welfare by wasting vital human resources; that to overcome this problem the Federal Government, in cooperation with the States, should help areas of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their economic redevelopment; that Federal assistance to communities, industries, enterprises, and individuals in areas needing redevelopment should enable such areas to achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies; and that under the provisions of this Act new employment opportunities should be created by developing and expanding new and existing facilities and resources without substantially reducing employment in other areas of the United States.

AREA DEVELOPMENT ADMINISTRATION

SEC. 3. In order to carry out the purposes of this Act, there is hereby established, within the executive branch of the Government, an Area Redevelopment Administration. Such Administration shall be under the direction and control of an Administrator (hereinafter referred to as the "Administrator") who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as that prescribed by law for an assistant secretary of an executive department.

ADVISORY BOARD

SEC. 4. (a) To advise the Administrator in the performance of functions authorized by this Act, there is authorized to be created an Area Redevelopment Advisory Board (hereinafter referred to as the "Board"), which shall consist of the following members, all ex officio: the Administrator as Chairman; the Secretaries of Agriculture; Commerce; Defense; Health, Education, and Welfare; Interior; Labor; and Treasury; the Administrators of the General Services Administration; Housing and Home Finance Agency; and Small Business Administration; and the Director of the Office of Civil and Defense Mobilization.

The Chairman may from time to time invite the participation of officials of other agencies of the executive branch interested in the functions herein authorized. Each member of the Board may designate an officer of his agency to act for him as a member of the Board with respect to any matter there considered.

(b) The Administrator shall appoint a National Public Advisory Committee on Area Redevelopment which shall consist of twenty-five members and shall be composed of representatives of labor, management, agriculture, and the public in general. From the members appointed to such Committee the Administrator shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Administrator relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(c) The Administrator is authorized from time to time to call together and confer with representatives of the various parties in interest from any industry, including agriculture, which has been a primary source of high levels of unemployment or underemployment in the several areas designated by the Administrator as redevelopment areas. The Administrator may also call upon representatives of interested governmental departments and agencies, together with representatives of transportation and other industries, to participate in any conference convened under authority of this subsection whenever he determines that such participation would contribute to a solution of the problems creating such unemployment or underemployment. The representatives at any such conference shall consider with and may recommend to the Administrator plans and programs to further the objectives of this Act with special reference to the industry with respect to which the conference was convened.

REDEVELOPMENT AREAS

SEC. 5. (a) The Administrator shall designate as "redevelopment areas" those areas within the United States in which he determines that there has existed substantial and persistent unemployment for an extended period of time. There shall be included among the areas so designated any area—

(1) where the rate of unemployment, excluding unemployment due primarily to temporary or seasonal factors, is currently 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in subparagraph (2) below; and

(2) where the annual average rate of unemployment has been at least—

(A) 50 per centum above the national average for three of the preceding four calendar years, or

(B) 75 per centum above the national average for two of the preceding three calendar years, or

(C) 100 per centum above the national average for one of the preceding two years. Any area in which a substantial part of the employment is or most recently was in an industry adversely affected by the reduction of trade barriers under the Trade Agreements Extension Act of 1951, as amended, with respect to which the President has reported to the Administrator under subsection (f) of this section, and meeting the standards of unemployment set forth in this section shall be entitled on application to a priority of consideration by the Administrator for designation as a redevelopment area.

(b) The Administrator shall also designate as "redevelopment areas" those areas (including Indian reservations) within the United States which do not meet the requirements set forth in subsection (a) but which he determines are among the highest in numbers and percentages of low-income families, and in which there exists a condition of substantial and persistent unemployment or underemployment. In making the designations under this subsection, the Administrator shall consider, among other relevant factors, the number of low-income farm families in the various rural areas of the United States, the proportion that such low-income families are to the total farm families of each of such areas, the relationship of the income levels of the families in each such area to the general levels of income in the United States, the current and prospective employment opportunities in each such area, the availability of manpower in each such area for supplemental employment, the extent of migration out of the area, and the proportion of the population of each such area which has been receiving public assistance from the Federal Government and/or from the State or States in which such area is located or from any municipality therein.

(c) In making the determinations provided for in this section, the Administrator shall be guided, but not conclusively governed, by pertinent studies made, and information and data collected or compiled, by (1) departments, agencies, and instrumentalities of the Federal Government, (2) State and local governments, (3) universities and land-grant colleges, and (4) private organizations.

(d) Upon the request of the Administrator, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of the Interior are respectively authorized to conduct such special studies, obtain such information, and compile and furnish to the Administrator such data as the Administrator may deem necessary or proper to enable him to make the determinations provided for in this section. The Administrator shall reimburse, out of any funds appropriated to carry out the purposes of this Act, the foregoing officers for any expenditures incurred by them under this section.

(e) As used in this Act, the term "redevelopment area" refers to any area within the United States which has been designated by the Administrator as a redevelopment area and may include one or more States, one or more counties, or one or more municipalities, or a part of a county or municipality.

(f) In any case in which the President is required (1) under the provisions of subsection 4(a) of the Trade Agreements Extension Act of 1951 to transmit a message to the Congress identifying an article with respect to which a trade agreement has caused or threatened to cause serious injury to a domestic industry, or (2) under the provisions of subsection 7(c) of such Act to submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate stating why he has not made such adjustments in the rates of duties, imposed such quotas, or made such other modifications, as are found and reported by the United States Tariff Commission to be necessary to prevent or remedy serious injury to a domestic industry, he shall notify the Administrator and shall send him a copy of such message or report.

LOANS AND PARTICIPATIONS

SEC. 6. (a) The Administrator is authorized to purchase evidences of indebtedness and to make loans (including immediate participations therein) to aid in financing any project within a redevelopment area for the purchase or development of land and facilities (including, in exceptional cases, machinery and equipment) for industrial or commercial usage, for the construction of new buildings, for rehabilitation of abandoned or unoccupied buildings, or for the alteration, conversion, or enlargement of any existing buildings for industrial or commercial use. Such financial assistance shall not be extended for working capital, or to assist establishments relocating from one area to another when such assistance will result in substantial detriment to the area of original location by increasing unemployment.

(b) Financial assistance under this section shall be on such terms and conditions as the Administrator determines, subject, however, to the following restrictions and limitations:

(1) The total amount of loans and loan participations (including purchased evidences of indebtedness) outstanding at any one time under this section (A) with respect to projects in redevelopment areas designated under section 5(a) shall not exceed $100,000,000 (but not to exceed $30,000,000 prior to July 1, 1962), and (B) with respect to projects in redevelopment areas designated under section 5(b) shall not exceed $100,000,000 (but not to exceed $30,000,000 prior to July 1, 1962);

(2) Except as provided in subsection (c), such assistance shall be extended only to applicants, both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with problems of economic development in such State or subdivision;

(3) The project for which financial assistance is sought is reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the redevelopment area wherein it is, or will be, located;

(4) No such assistance shall be extended hereunder unless the financial assistance applied for is not otherwise available from private lenders or other Federal agencies on reasonable terms;

(5) No loans shall be made unless it is determined that an immediate participation is not available;

(6) No evidences of indebtedness shall be purchased and no loans shall be made unless it is determined that there is a reasonable assurance of repayment;

(7) Subject to section 12(5) of this Act, no loan, including renewals or extension thereof, may be made hereunder for a period exceeding twenty-five years and no evidences of indebtedness maturing more than twenty-five years from date of purchase may be purchased hereunder: *Provided*, That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Administrator as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor, or if extension or renewal for additional periods, not to exceed, however, a total of ten years, will aid in the orderly liquidation of such loan or of such evidence of indebtedness;

(8) Such loans shall bear interest at a rate equal to the rate of interest paid by the Administrator on funds obtained from the Secretary of the Treasury as provided in section 9 of this Act, plus one-half of 1 per centum per annum: *Provided*, That an amount equal to one-fourth of 1 per centum per annum of the outstanding principal amount of any loan made under this section shall be allocated from the payments received by the Administrator in the form of interest on such loan to a sinking fund to cover losses on loans under this section;

(9) Such assistance shall not exceed 65 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities (including, in exceptional cases, machinery and equipment), and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project and shall, among others, be on the following conditions:

(A) That other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

(B) That not less than 10 per centum of such aggregate cost be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization which is nongovernmental in character, as equity capital or as a loan;

(C) That in extending financial assistance under this section with respect to a redevelopment area, the Administrator shall require that not less than 5 per centum of the aggregate cost of the project for which such loan is made shall be supplied by nongovernmental sources;

(D) That any Federal financial assistance extended under this section in connection with a particular project shall be repayable only after other loans made in connection with such project and in accordance with this section have been repaid in full. If any Federal financial assistance extended under this section is secured, its security shall be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

(10) No such assistance shall be extended unless there shall be submitted to and approved by the Administrator an overall program for the economic development of the area and a finding by the State, or any agency, instrumentality, or local political subdivision thereof, that the project for which financial assistance is sought is consistent with such program: *Provided*, That nothing in this Act shall authorize financial assistance for any project prohibited by laws of the State or local political subdivision in which the project would be located.

(c) If there is no agency or instrumentality in any State, or political subdivision thereof, qualified to approve applicants for assistance under this section as provided in paragraph (2) of subsection (b), the Administrator shall, upon determining that any area in such State is a redevelopment area, appoint a local redevelopment committee (hereinafter referred to as a "local committee") to be composed of not less than seven residents of such area who, as nearly as possible, are representative of labor, commercial, industrial, and agricultural groups, and of the residents generally of such area. In appointing any such local committee, the Administrator may include therein members of any existing local redevelopment committees. Financial assistance under this section in connection with projects located in a redevelopment area, for which a local committee has been appointed under this section, shall be extended only to applicants, both private and public (including Indian tribes), which have been approved by such local committee.

(d) Of the funds authorized to be raised under section 9 of this Act, not more than $100,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section with respect to projects in redevelopment areas designated under section 5(a), and not more than $100,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section with respect to projects in redevelopment areas designated under section 5(b).

LOANS FOR PUBLIC FACILITIES

SEC. 7. (a) Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public organization or association representing any redevelopment area or part thereof, the Administrator is authorized to make loans to assist in financing the purchase or development of land for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within any redevelopment area, if he finds that—

(1) the project for which financial assistance is sought will provide more than a temporary alleviation of unemployment or underemployment in the redevelopment area wherein such project is, or will be, located, and will tend to improve the opportunities in such area for the successful establishment or expansion of industrial or commercial plants or facilities;

(2) the funds requested for such project are not otherwise available on reasonable terms;

(3) the amount of the loan plus the amount of other available funds for such projects are adequate to insure the completion thereof;

(4) there is a reasonable expectation of repayment; an i

(5) such area has an approved economic development program as provided in section 6(b)(10) and the project for which financial assistance is sought is consistent with such program.

(b) No loan under this section shall be for an amount in excess of 65 per centum of the aggregate cost of the project for which such loan is made. Subject to section 12(5), the maturity date of any such loan shall be not later than forty years after the date such loan is made. Any such loan shall bear interest at a rate equal to the rate of interest paid by the Administrator on funds obtained from the Secretary of the Treasury as provided in section 9 of this Act, plus one-quarter of 1 per centum per annum.

(c) In making any loan under this section, the Administrator shall require that not less than 10 per centum of the aggregate cost of the project for which such loan is made shall be supplied by the State (including any political subdivision thereof) within which such project is to be located as equity capital, or as a loan. In determining the amount of participation required under this subsection with respect to any particular project, the Administrator shall give consideration to the financial condition of the State or local government, and to the per capita income of the residents of the redevelopment area, within which such project is to be located.

(d) Any loan made under this section in connection with a particular project shall be repayable only after other loans made in

connection with such project and in accordance with this section have been repaid in full. If any loan made under this section is secured, its security shall be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

(e) No financial assistance shall be extended under this section with respect to any public facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State regulatory body, unless the State regulatory body determines that in the area to be served by the public facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it is prepared to undertake.

(f) Of the funds authorized to be raised under section 9 of this Act, not more than $100,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section: *Provided,* That not more than $30,000,000 shall be deposited in such fund prior to July 1, 1962.

GRANTS FOR PUBLIC FACILITIES

SEC. 8. (a) The Administrator may conduct studies of needs in the various redevelopment areas throughout the United States for, and the probable cost of, land acquisition or development for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of useful public facilities within such areas, and may receive proposals from any State, or political subdivision thereof, Indian tribe, or private or public organization or association representing any redevelopment area, or part thereof, relating to land acquisition or development for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within any such area. Any such proposal shall contain plans showing the project proposed to be undertaken, the cost thereof, and the contributions proposed to be made to such cost by the entity making the proposal. The Administrator, in consultation with such entity, is authorized to modify all or any part of such proposal.

(b) The Administrator, pursuant to a proposal received by him under this section, may make grants to any State, or political subdivision thereof, Indian tribe, or private or public organization or association representing any redevelopment area, or part thereof, for land acquisition or development for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within a redevelopment area, if he finds that—

(1) the project for which financial assistance is sought will provide more than a temporary alleviation of unemployment or underemployment in the redevelopment area wherein such project is, or will be, located, and will tend to improve the opportunities in such area for the successful establishment or expansion of industrial or commercial plants or facilities;

(2) the entity requesting the grant proposes to contribute to the cost of the project for which such grant is requested in proportion to its ability so to contribute; and

(3) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located, and there is little probability that such project can be undertaken without the assistance of a grant under this section.

The amount of any grant under this section for any such project shall not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of this Act) for such project, and the amount which is necessary to insure the completion thereof.

(c) The Administrator shall by regulation provide for the supervision of carrying out of projects with respect to which grants are made under this section so as to insure that Federal funds are not wasted or dissipated.

(d) No financial assistance shall be extended under this section with respect to any public facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State regulatory body, unless the State regulatory body determines that in the area to be served by the public facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it is prepared to undertake.

(e) There is hereby authorized to be appropriated not to exceed $75,000,000 for the purpose of making grants under this section: *Provided,* That not to exceed $10,000,000 shall be appropriated for such purpose prior to July 1, 1962.

FUNDS FOR LOANS

SEC. 9. To obtain funds for loans under this Act, the Administrator may, with the approval of the President, issue and have outstanding at any one time notes and obligations for purchase by the Secretary of the Treasury in an amount not to exceed $300,000,000: *Provided,* That the amount of such notes and obligations which are outstanding prior to July 1, 1962, shall not exceed $90,000,000. Such notes or other obligations shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, but such rate shall not be greater than the current average yields on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued under this section and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act are extended to include any purchase of such notes and other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases and sales by the Secretary of the Treasury of such notes or other obligations shall be treated in every respect as public debt transactions of the United States.

INFORMATION

SEC. 10. The Administrator shall aid redevelopment areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which are obtainable from the various departments, agencies, and instrumentalities of the Federal Government and which would be useful in alleviating conditions of excessive unemployment or underemployment within such areas. The Administrator shall furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in redevelopment areas and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

TECHNICAL ASSISTANCE

SEC. 11. In carrying out his duties under this Act, the Administrator is authorized to provide technical assistance to areas which he has designated as redevelopment areas under this Act. Such assistance shall include studies evaluating the needs of, and developing potentialities for, economic growth of such areas. Such assistance may be provided by the Administrator through members of his staff or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purpose. Appropriations are hereby authorized for the purposes of this section in an amount not to exceed $4,500,000 annually.

POWERS OF ADMINISTRATOR

SEC. 12. In performing his duties under this Act, the Administrator is authorized to—

(1) adopt, alter, and use a seal, which shall be judicially noticed; and subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and define their authority and duties, provide bonds for them in such amounts as the Administrator shall determine, and pay the costs of qualification of certain of them as notaries public;

(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Admistrator;

(4) under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans made under this Act, and collect or compromise all obligations assigned to or held by him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(5) further extend the maturity of or renew any loan made under this Act, beyond the periods stated in such loan or in this Act, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan;

(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable any real or personal property conveyed to, or otherwise acquired by, him in connection with the payment of loans made under this Act;

(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made under this Act. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall

not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of loans made under this Act if the premium therefor or the amount thereof does not exceed $1,000. The power to convey and to execute, in the name of the Administrator, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator or by any officer or agent appointed by him for that purpose without the execution of any express delegation of power or power of attorney;

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in sections 6 and 7 of this Act;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, servicing, comprising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made under this Act;

(10) to such an extent as he finds necessary to carry out the provisions of this Act, procure the temporary (not in excess of six months) service of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil service and classifications laws, and, except in the case of stenographic reporting services by organizations, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); any individual so employed may be compensated at a rate not in excess of $75 per diem, and, while such individual is away from his home or regular place of business, he may be allowed transportation and not to exceed $15 per diem in lieu of subsistence and other expenses; and

(11) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

TERMINATION OF ELIGIBILITY FOR FURTHER ASSISTANCE

SEC. 13. Whenever the Administrator shall determine that employment conditions within any area previously designated by him as a redevelopment area have changed to such an extent that such area is no longer eligible for such designation under section 5 of this Act, no further assistance shall be granted under this Act with respect to such area and, for the purposes of this Act, such area shall not be considered a redevelopment area: *Provided,* That nothing contained herein shall (1) prevent any such area from again being designated a redevelopment area under section 5 of this Act if the Administrator determines it to be eligible under such section, or (2) affect the validity of any contracts or undertakings with respect to such area which were entered into pursuant to this Act prior to a determination by the Administrator that such area no longer qualifies as a redevelopment area. The Administrator shall keep the departments and agencies of the Federal Government, and interested State or local agencies, advised at all times of any changes made hereunder with respect to the designation of any area.

URBAN RENEWAL

SEC. 14. Title I of the Housing Act of 1949, as amended, is amended by adding at the end thereof the following new section:

REDEVELOPMENT AREAS UNDER THE AREA REDEVELOPMENT ACT

"SEC. 113. (a) When the Area Redevelopment Administrator certifies to the Administrator (1) that any county, city, or other municipality (in this section referred to as a 'municipality') is situated in an area designated under section 5 of the Area Redevelopment Act as a redevelopment area, and (2) that there is a reasonable probability that with assistance provided under such Act and other undertakings the area will be able to achieve more than temporary improvement in its economic development, the Administrator is authorized to provide financial assistance to a local public agency in any such municipality under this title and the provisions of this section.

"(b) The Administrator may provide such financial assistance under this section without regard to the requirements or limitations of section 110(c) that the project area be clearly predominantly residential in character or that it be redeveloped for predominantly residential uses; but no such assistance shall be provided in any area if such Administrator determines that it will assist in relocating business operations from one area to another when such assistance will result in substantial detriment to the area of original location by increasing unemployment.

"(c) Financial assistance under this section may be provided for any project involving a project area including primarily industrial or commercial structures suitable for rehabilitation under the urban renewal plan for the area.

"(d) Notwithstanding any other provision of this title, a contract for financial assistance under this section may include provisions permitting the disposition of any land in the project area designated under the urban renewal plan for industrial or commercial uses to any public agency or nonprofit corporation for subsequent disposition as promptly as practicable by such public agency or corporation for the redevelopment of the land in accordance with the urban renewal plan: *Provided,* That any disposition of such land under this section shall be made at not less than its fair value for uses in accordance with the urban renewal plan: *And provided further,* That the purchasers from or lessees of such public agency or corporation, and their assignees, shall be required to asume the obligations imposed under section 105(b).

"(e) Following the execution of any contract for financial assistance under this section with respect to any project, the Administrator may exercise the authority vested in him under this section for the completion of such project, notwithstanding any determination made after the execution of such contract that the area in which the project is located may no longer be a redevelopment area under the Area Redevelopment Act."

URBAN PLANNING GRANTS

SEC. 15. Paragraph (3) of section 701(a) of the Housing Act of 1954 is amended by inserting after "counties which" the following: "(A) are situated in areas designated by the Area Redevelopment Administrator under section 5(a) of the Area Redevelopment Act as redevelopment areas or (B)".

VOCATIONAL TRAINING

SEC. 16. (a) The Secretary of Labor, in consultation with the Administrator, shall determine the vocational training or retraining needs of unemployed individuals residing in, or who were last employed in, redevelopment areas and shall cooperate with the Secretary of Health, Education, and Welfare and with existing State and local agencies and officials in charge of existing programs relating to vocational training and retraining for the purpose of assuring that the facilities and services of such agencies are made fully available to such individuals.

(b) Whenever the Secretary of Labor finds that additional facilities or services are needed in the area to meet the vocational training or retraining needs of such individuals, he shall so advise the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare, through the Commissioner of Education, shall provide assistance, including financial assistance when necessary, to the appropriate State vocational educational agency in the provision of such additional facilities or services. If the Secretary of Health, Education, and Welfare finds that the State vocational educational agency is unable to provide the facilities and services needed, he may, after consultation with such agency, provide for the same by agreement or contract with public or private educational institutions: *Provided,* That any vocational training or retraining provided under this section shall be designed to enable unemployed individuals to qualify for new employment in the redevelopment area in which they reside or were last employed.

(c) The Secretary of Labor shall arrange to provide any necessary technical assistance for setting up apprenticeships, and to promote journeyman and other job training in the area.

RETRAINING SUBSISTENCE PAYMENTS

SEC. 17. (a) The Secretary of Labor in consultation with the Administrator shall, on behalf of the United States, enter into agreements with States in which redevelopment areas are located, under which the Secretary of Labor shall make payments to such States for the purpose of enabling such States, as agents of the United States, to make weekly retraining payments to unemployed individuals residing within such redevelopment areas who are not entitled to unemployment compensation (either because their unemployment compensation benefits have been exhausted or because they were not insured for such compensation) and who have been certified by the Secretary of Labor to be undergoing vocational training or retraining under section 16 of this Act. Such payments shall be made only during the period the individual is receiving vocational training or retraining under section 16 of this Act, but not in any event to exceed sixteen weeks, and the amounts of such payments shall be equal to the amount of the average weekly unemployment compensation payment payable in the State making such payments.

(b) The Secretary of Labor and the Administrator shall jointly prescribe such rules and regulations as they may deem necessary to carry out the provisions of this section.

(c) There are hereby authorized to be appropriated such sums, not in excess of $10,000,000 annually, as may be necessary to carry out the provisions of this section.

PENALTIES

SEC. 18. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Administrator, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(b) Whoever, being connected in any capacity with the Administrator, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or (2) with intent to defraud the Administrator or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Administration, makes any false entry in any book, report, or statement of or to the Administrator, or without being duly authorized, draws any order or issues, puts forth, or

assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Administrator, or (4) gives any unauthorized information concerning any future action or plan of the Administrator which might affect the value of securities, or having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Administrator, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES

SEC. 19. No loan shall be made by the Administrator under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise (1) certify to the Administrator the names of any attorneys, agents, or other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administrator for assistance of any sort, and the fees paid or to be paid to any such person; and (2) execute an agreement binding any such business enterprise for a period of two years after any assistance is rendered by the Administrator to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee of the Administration, occupying a position or engaging in activities which the Administrator shall have determined involve discretion with respect to the granting of assistance under this Act.

RECORD OF APPLICATIONS

SEC. 20. The Administratoı shall maintain as a permanent part of the records of the Administration a list of applications approved, which shall be kept available for public inspection during the regular business hours of the Administration. The following information shall be posted in such list as soon as each application is approved: (1) the name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof, (2) the amount and duration of the loan for which application is made, (3) the purposes for which the proceeds of the loan are to be used, and (4) a general description of the security offered.

PREVAILING RATE OF WAGE AND FORTY-HOUR WEEK

SEC. 21. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects undertaken by public applicants assisted under this Act (1) shall be paid wages at rates no less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935 (Davis-Bacon Act), and (2) shall be employed not more than forty hours in any one week unless the employee receives wages for his employment in excess of the hours specified above at a rate not less than one and one-half times the regular rate at which he is employed.

ANNUAL REPORT

SEC. 22. The Administrator shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1962. Such report shall be printed, and shall be transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made. Such report shall show, among other things, (1) the number and size of Government contracts for the furnishing of supplies and services placed with business firms located in redevelopment areas, and (2) the amount and duration of employment resulting from such contracts. Upon the request of the Administrator, the various departments and agencies of the Government engaged in the procurement of supplies and services shall furnish to the Administrator such information as may be necessary for the purposes of this section.

APPROPRIATION

SEC. 23. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

USE OF OTHER FACILITIES

SEC. 24. (a) To avoid duplication of activities and minimize expense in carrying out the provisions of this Act, the Administrator shall, to the extent practicable and with their consent, use the available services and facilities of other agencies and instrumentalities of the Federal Government on a reimbursable basis.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act. This Act shall be supplemental to any existing authority, and nothing herein shall be deemed to be restrictive of any existing powers, duties, and functions of any other department or agency of the Federal Government.

RECORDS AND AUDIT

SEC. 25. (a) Each recipient of assistance under section 6 or 7 of this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under section 6 or 7 of this Act.

APPLICATION OF ACT

SEC. 26. As used in this Act, the term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

The digest, list, and editorial presented by Mr. DOUGLAS are as follows:

DIGEST OF S. 1, AREA REDEVELOPMENT BILL

SECTION 1. SHORT TITLE

This section would provide that the act may be cited as the "Area Redevelopment Act."

SECTION 2. DECLARATION OF PURPOSE

This section would declare it to be the purpose of the bill to provide Federal help for areas needing economic redevelopment so that they can expand their economic activities and alleviate the substantial unemployment and underemployment that prevail within such areas. This would be accomplished by assisting communities, industries, enterprises, and individuals to create new employment opportunities by developing and expanding new and existing facilities and resources, without substantially reducing employment in other areas of the United States.

SECTION 3. AREA REDEVELOPMENT ADMINISTRATION

This section would establish an Area Redevelopment Administration as an independent agency within the executive branch of the Government. The Administration would be headed by an Administrator appointed by the President and subject to confirmation by the Senate. The Administrator would receive a salary of $20,000 a year.

SECTION 4. ADVISORY BOARD

Subsection (a) would create an Area Redevelopment Advisory Board to advise the Administrator in the performance of his functions under the bill. The Board would be composed of the Administrator, as Chairman, and 11 other department and agency heads whose functions are related to (or could assist in) the improvement of economic conditions in redevelopment areas. Any member of the Board could designate an officer of his agency to act for him as a member of the Board. The Chairman could invite other interested officials in the executive branch to participate in the functions of the Board.

(b) would require the Administrator to appoint a 25-member National Public Advisory Committee on Area Redevelopment, to be composed of representatives of labor, management, agriculture, and the general public, one of whom would be designated as Chairman by the Administrator. This Committee would be required to meet twice a year and make recommendations to the Administrator from time to time, to assist him in carrying out his duties under the bill.

(c) would authorize the Administrator to call together, confer with, and receive recommended plans and programs from, representatives of any industry which has been a primary source of high levels of unemployment in the areas designated by the Administrator as redevelopment areas. The Administrator would also be authorized to call upon representatives of interested governmental agencies, together with representatives of transportation and other industries, to participate in any conference called under this subsection.

SECTION 5. REDEVELOPMENT AREAS

The bill recognizes two types of redevelopment areas which will be eligible to receive Federal assistance under this bill.

Under subsection (a) an area may be designated a redevelopment area in any one of the following ways: (1) the Administrator may, at his discretion, determine that a given area has been subject to substantial and persistent unemployment for an extended period of time and designate the area an industrial redevelopment area; or (2) the Administrator must designate an industrial area as an industrial redevelopment area—

(1) where the rate of unemployment, excluding unemployment due primarily to temporary or seasonal factors, is currently 6 percent or more and has averaged at least 6 percent for the qualifying time periods specified in subparagraph (2) below; and

(2) where the annual average rate of unemployment has been at least (a) 50 percent above the national average for 3 of the preceding 4 calendar years, or (b) 75 percent above the national average for 2 of the preceding 3 calendar years, or (c) 100 percent above the national average for 1 of the preceding 2 years.

Areas adversely affected by trade agreements concerning which the President has notified the Administrator under section 5(f) are given priority in consideration of designation as industrial redevelopment areas.

(b) sets forth the criteria for other redevelopment areas (including Indian reservations). The Administrator is directed to designate as redevelopment areas which he determines are among the highest in numbers and percentages of low-income families, and in which there exists a condition of substantial and persistent unemployment or underemployment. In making these designations the Administrator is required to consider, among other relevant factors, the number of low-income farm families in the various rural areas in the United States, the proportion such low-income families are to the total farm families of each of such areas, the relationship of the income levels of families in each such area to the general levels of income in the United States, the current and prospective employment opportunities in each such area, the availability of manpower in each such area for supplemental employment and the proportion of the population receiving public assistance.

(c) provides that in making determinations concerning redevelopment areas the Administrator is to be guided, but not conclusively governed, by studies made and the available information compiled by the various Federal agencies, State and local governments, universities and private organizations.

Under (d) the Administrator may also request from the Secretary of Labor, the Secretary of Agriculture, the Secretary of Commerce and the Secretary of the Interior special studies and such information and data as he deems necessary to enable him to make the determinations provided for in this section. The Administrator is required to reimburse these agencies for expenditures which they incur in connection with filling his requests.

(e) defines the term "redevelopment area" to mean any area within the United States which has been designated by the Administrator as a redevelopment area. This provision limits the benefits of the act to the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(f) requires the President to notify the Administrator when he reports to the Congress under the peril point procedure or when he reports to the Ways and Means and Finance Committees under the escape clause procedure of the Trade Agreements Extension Act of 1951.

SECTION 6. LOANS AND PARTICIPATIONS

Under subsection (a) the Administrator is authorized to make loans (including participations), to assist in the purchase or development of land and facilities (including in exceptional cases machinery and equipment) for industrial use, or for the construction, rehabilitation, or alteration of industrial plants. This assistance shall not be extended for working capital or to assist establishments relocating from one area to another when such assistance will result in substantial detriment to the area of original location by increasing unemployment.

Subsection (b) imposes the following restrictions:

(1) The total amount of loans and participations outstanding at any one time in redevelopment areas designated under section 5(a) must not exceed $100 million, but not to exceed $30 million prior to July 1, 1962. Similar provisions are made for redevelopment areas designated under 5(b).

(2) The assistance may only be extended to applicants which have been approved for the purpose by an agency of the State or its political subdivision concerned with problems of economic development in the State or subdivision.

(3) The project will provide more than a temporary alleviation of unemployment or underemployment.

(4) The assistance may only be extended if such financial assistance is not otherwise available from private lenders or other Federal agencies on reasonable terms.

(5) An immediate participation is to be preferred to a loan.

(6) There must be reasonable assurance of repayment.

(7) The length of the loan may not exceed 25 years, plus an additional 10 years in the course of liquidating the loan.

(8) The interest must be one-half of 1 percent above the amount paid to the Secretary of the Treasury. One-quarter of 1 percent must be placed in a sinking fund to cover losses on loans.

(9) The assistance must not exceed 65 percent of the cost to the applicant, excluding other Federal aid, and the following conditions must be observed:

(A) Enough funds must be available to complete the project;

(B) At least 10 percent of the cost must be supplied by the State or a subdivision, community or area organization, as equity capital, or as a loan;

(C) In the case of a project in a redevelopment area designated under 5(a) not less than 5 percent of the cost must be supplied by nongovernmental sources;

(D) The Federal financial assistance must be repayable after other loans made in connection with the project and in accordance with this section have been repaid in full.

(10) An overall program for the economic development of the area must have been approved by the Administrator and a finding must be made by the State or a subdivision that the project is consistent with the program.

(c) provides that if there is no agency or instrumentality in a State or subdivision qualified to approve applicants under this section, the Administrator may appoint a local redevelopment committee consisting of seven or more residents of the area representing labor, commercial, industrial and agricultural groups and the residents of the area generally.

(d) creates a revolving fund of $100 million for projects in redevelopment areas designated under section 5(a) and another revolving fund of $100 million for projects in redevelopment areas designated under section 5(b).

SECTION 7. LOANS FOR PUBLIC FACILITIES

(a) Loans for public facilities may be made upon the application of a State or a political subdivision thereof, or an Indian tribe, or a private or public organization or association representing a redevelopment area. The loan may be made for the purpose of financing the purchase or development of land for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within the redevelopment area.

(1) The project must provide more than a temporary alleviation of unemployment or underemployment, and must tend to improve the opportunities in the area for the successful establishment or expansion of industrial or commercial plants or facilities.

(2) The loan may not be granted if funds are available from other sources on reasonable terms.

(3) The amount of the loan plus other available funds must be sufficient for completion of the project.

(4) There must be a reasonable expectation of repayment.

(5) The area has an approved economic development program.

(b) The loan is limited to 65 percent of the aggregate cost of the project, and it must mature within 40 years. The interest rate is to be one-quarter of 1 percent above the rate of interest paid by the Administrator to the Secretary of the Treasury.

(c) The Administrator must require that at least 10 percent of the cost of the project shall be supplied by the State (or any political subdivision thereof) as equity capital, or as a loan.

(d) The Federal loan is to be subordinate to other loans made in connection with the project and in accordance with this section.

(e) Prohibits financial assistance to a public facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State regulatory body, unless the State regulatory body determines that in the area to be served by the public facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it is prepared to undertake.

(f) A revolving fund of $100 million is set up, from funds borrowed from the Treasury. But not more than $30 million shall be deposited in the fund prior to July 1, 1962.

SECTION 8. GRANTS FOR PUBLIC FACILITIES

Subsection (a) authorizes the Administrator to make studies of the needs for public facilities in the various redevelopment areas and to make grants for the acquisition or development of land for public facility usage in redevelopment areas, and for the construction, rehabilitation, or improvement of public facilities in such areas.

(b) A grant may be made only pursuant to a proposal (showing the proposed project, its cost, and the proposed local contributions) received from the State or local government, Indian tribe, or from a public or private organization representing the redevelopment area.

Before the Administrator approves a grant he must find that (1) the proposed project will provide more than a temporary alleviation of unemployment or underemployment in the area, and will tend to promote industrial or commercial development, (2) the entity requesting the grant will contribute to the cost of the project in proportion to its ability, and (3) the project is urgently needed in the area and could not be undertaken without such a grant. No such grant could exceed the difference between the total cost of the project and the amount available for it from other sources (including loans under sec. 7 of the bill).

(c) directs the Administrator to issue regulations to insure that Federal funds made available for public facility projects under this section are not wasted or dissipated.

(d) imposes a restriction on grants for public utilities like the restrictions imposed on loans under subsection 7(e) described above.

(e) authorizes an appropriation not exceeding $75 million for public facility grants under this section, of which $10 million shall be appropriated prior to July 1, 1962.

SECTION 9. FUNDS FOR LOANS

This section would authorize the Administrator to obtain funds for making loans under sections 6 and 7 of the bill by borrowing from the Treasury in amounts not exceeding $300 million outstanding at any one time. The amount of such notes and obligations shall not exceed $90 million prior to July 1, 1962. The interest rate on the notes and obligations representing this borrowing would be determined by the Secretary of the Treasury at a rate not greater than the current average yields on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of such notes or other obligations. The amounts thus obtained from the Treasury would be used to establish the revolving funds provided for in sections 6 and 7 of the bill.

SECTION 10. INFORMATION

The Administrator is authorized to extend to firms located in redevelopment areas technical information, market research data, and other forms of assistance obtainable from the various Federal agencies which might be useful to the areas in expanding employment.

In addition, the Administrator is directed to furnish Federal procurement agencies addresses of businesses located in redevelopment areas desirous of obtaining Government contracts. The lists shall specify the supplies and services in which the designated firms are engaged.

SECTION 11. TECHNICAL ASSISTANCE

This section authorizes the Administrator to offer technical assistance to redevelopment areas. Such technical assistance might consist of data concerning the resources and the economic potential of the areas and other information that may help the economic growth of these areas. The assistance may be provided directly through members of the staff of the Area Redevelopment Administration or through contracts with private individuals, partnerships, firms, corporations, or institutions. An amount not to exceed $4.5 million is appropriated under this section.

SECTION 12. POWERS OF ADMINISTRATOR

This section provides the Administrator with the administrative powers needed to carry out the area redevelopment program under the bill. The Administrator is authorized by this section to engage in such business transactions, and to take such action to acquire, dispose of, and otherwise deal with both real and personal property and to enforce any rights, claims, and obligations, as may be necessary or appropriate in connection with the performance of his duties under the bill; and to establish such rules and regulations as may be appropriate in carrying out the provisions of the bill.

SECTION 13. TERMINATION OF ELIGIBILITY FOR FURTHER ASSISTANCE

Under this section the Administrator is required to terminate the eligibility for area redevelopment assistance when he finds the economic conditions within the area have improved to the extent that the area is no longer eligible for designation under section 5.

An area may be redesignated as a redevelopment area, if the economic conditions within the area deteriorate to qualify again for redevelopment assistance. No action in terminating the eligibility of an area to receive aid under this bill will affect the validity of any contracts entered into prior to the termination of eligibility.

SECTION 14. URBAN RENEWAL

This is an amendment to title I of the Housing Act of 1949 and will be designated as section 113 of that act.

Subsection (a) provides financial assistance to local public agencies in any otherwise eligible municipality where the Area Redevelopment Administrator certifies to the Administrator (HHFA) that—

(1) the municipality is situated in an area designated as a redevelopment area, and

(2) there is a probability that such assistance will contribute to more than temporary improvement in economic development.

Subsection (b) waives the "predominantly residential" requirement of section 110(c) of title I of the Housing Act of 1949, but prohibits assistance to areas in which the Administrator determines that relocation of business operations from one area to another would result in increasing unemployment in the area of original location.

(b) amends section 110(c) of title I of the Housing Act of 1949 to include as an additional type of exemption industrial or commercial redevelopment areas as defined in section 112(a). This would require that Federal capital grants for all nonresidential projects, including the new exemption, be limited to 10 percent of total capital grant authorizations.

(c) permits financial assistance to an area containing primarily industrial or commercial structures suitable for rehabilitation under the urban renewal plan.

(d) authorizes disposition of land under this section to any public agency or nonprofit corporation for subsequent disposition provided that—

(1) such disposition shall be made to the public agency or nonprofit corporation at not less than fair market value for uses in accordance with the urban renewal plan;

(2) subsequent purchasers shall be required to assume the obligations imposed under section 105(b) of title I of the Housing Act of 1949. (Sec. 105(b) requires developer to proceed with development or redevelopment promptly and in accordance with an approved plan.)

(e) permits the Administrator to continue financial assistance to complete a project even though the area in which the project is located may no longer be a redevelopment area.

SECTION 15. URBAN PLANNING GRANTS

This section amends section 701 of the Housing Act of 1954 so as to make planning grants available to communities in redevelopment areas with a population in excess of 25,000.

SECTION 16. VOCATIONAL TRAINING

This section provides that the Secretary of Labor shall determine the training or retraining needs of the labor force in a redevelopment area.

(a) If the Secretary of Labor finds that additional training or retraining facilities are needed in a redevelopment area, the Secretary of Health, Education, and Welfare is required to assist the State vocational agency in requiring the needed vocational facilities or services. The Secretary of HEW may also enter into contracts, after due consultation with the State vocational agency, with public or private educational institutions to provide the needed facilities or services. The additional training or retraining provided under this subsection must be designed to enable the unemployed to qualify for new employment opportunities in the redevelopment area.

(b) The Secretary of Labor is required to provide technical assistance for setting up apprenticeship training facilities.

SECTION 17. RETRAINING SUBSISTENCE PAYMENTS

(a) The Secretary of Labor shall enter into agreements with States where redevelopment areas are located providing for weekly subsistence payments to unemployed persons undergoing retraining, who are not eligible to receive unemployment compensation. The subsistence payments made to any individual are limited to 16 weeks and shall be equal to the average weekly unemployment compensation benefits paid in the State.

(b) The Secretary of Labor and the Administrator shall prescribe the rules and regulations needed to carry out the provisions of subsection (a).

(c) An annual appropriation not to exceed $10 million is authorized for retraining subsistence payments.

SECTION 18. PENALTIES

Subsection (a) makes it a crime to knowingly make a false statement or willfully overvalue a security for the purpose of obtaining a loan or of influencing any action of the Administrator or to obtain money, property, or anything of value under the act.

Subsection (b) makes it a crime for any employee or agent of the Administrator to embezzle or misapply any money or securities, or make any false entries, or to issue or assign notes or other documents with intent to defraud, or to participate or share in any loan or contract made by the Administrator with intent to defraud, or to give out any unauthorized information about the actions or plans of the Administrator, or to invest or speculate in the securities of a company receiving assistance from the Administrator.

Violation of the above is punishable by a fine not to exceed $10,000 or imprisonment for not more than 5 years, or both.

SECTION 19. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES

This section provides that a loan may not be made to a business enterprise unless the names of the attorneys and agents expediting the application and the fees paid to them are certified to the Administrator and unless an agreement is executed requiring the firm to refrain from employing or offering to employ or retain the professional services of an employee of the Administrator who exercised discretionary power at the time the assistance was granted or during the preceding year.

SECTION 20. RECORD OF APPLICATIONS

The Administrator is required to keep a public record of the approved applications, with the name or names of the applicants and the amount, duration and purposes of the loan, and the security given.

SECTION 21. PREVAILING RATE OF WAGE AND 40-HOUR WEEK

This section requires the Administrator to insure that all laborers and mechanics employed by contractors and subcontractors on projects undertaken by public applicants assisted under the act (1) be paid wages at rates no less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor under the Davis-Bacon Act and (2) receive time and one-half for hours worked during a week in excess of 40.

SECTION 22. ANNUAL REPORT

This section would require the Administrator to submit a detailed and comprehensive annual report to the Congress, beginning with the fiscal year ending June 30, 1962. The report shall show, among other things, (1) the number and size of Government contracts placed with business firms located in redevelopment areas; and (2) the amount and duration of employment resulting from such contracts. The various procurement agencies, upon the request of the Administrator, are directed to furnish the Administrator such information as may be necessary to enable him to carry out his duties under this section.

SECTION 23. APPROPRIATIONS

This section provides authorization for appropriations necessary to carry out the provisions of the act.

SECTION 24. USE OF OTHER FACILITIES

This section requires the Administrator to use available services and the advice of other Government agencies on a reimbursable basis, to the extent practicable and with their consent. It also requires Government agencies to exercise their powers, duties, and functions so as to assist in carrying out the objectives of the act.

SECTION 25. RECORDS AND AUDITS

This section requires borrowers under sections 6 and 7 to keep records of their activities and to allow the Administrator and the Comptroller General access to their records.

SECTION 26. APPLICATION OF THE ACT

The terms of this act are applicable to the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

AREAS OF SUBSTANTIAL AND PERSISTENT LABOR SURPLUS, NOVEMBER 1960

MAJOR AREAS

Indiana: Evansville, Terre Haute.

Massachusetts: Fall River, Lawrence-Haverhill, Lowell, New Bedford.

Michigan: Detroit, Muskegon-Muskegon Heights.

New Jersey: Atlantic City.

Ohio: Lorain-Elyria.

Pennsylvania: Altoona, Erie, Johnstown, Scranton, Wilkes-Barre, Hazleton.

Puerto Rico: Mayaguez, Ponce, San Juan.

Rhode Island: Providence-Pawtucket.

West Virginia: Charleston, Huntington-Ashland, Wheeling.

SMALLER AREAS

Alabama: Florence-Sheffield, Jasper.

Alaska: Anchorage.

Connecticut: Bristol, Danielson, Norwich.

Illinois: Centralia, Harrisburg, Herrin-Murphysboro-West Frankfort, Mount Vernon.

Indiana: Vincennes.

Kansas: Pittsburg.

Kentucky: Corbin, Hazard, Hopkinsville, Madisonville, Middlesboro-Harlan, Morehead-Grayson, Owensboro, Paducah, Paintsville-Prestonsburg, Pikeville-Williamson.

Maine: Biddeford-Sanford, Lewiston-Auburn.

Maryland: Cambridge, Cumberland, Hagerstown.

Massachusetts: North Adams.

Michigan: Adrian, Bay City, Iron Mountain, Marquette, Monroe, Port Huron.

Missouri: Flat River.

Montana: Butte, Kalispell.

New Jersey: Bridgeton, Long Branch.

New York: Amsterdam, Auburn, Elmira, Gloversville, Ogdensburg-Massena-Malone.

North Carolina: Fayetteville, Mount Airy.

Ohio: Portsmouth-Chillicothe.

Oklahoma: McAlester, Muskogee.

Pennsylvania: Berwick-Bloomsburg, Butler, Clearfield-Du Bois, Kittanning-Ford City, Lewistown, Meadville, New Castle, Pottsville, St. Marys, Sunbury-Shamokin-Mount Carmel, Uniontown-Connellsville.

Tennessee: La Follette-Jellico-Tazewell.

Virginia: Big Stone Gap-Appalachia.

Washington: Aberdeen, Anacortes, Port Angeles.

West Virginia: Beckley, Bluefield, Clarksburg, Fairmont, Logan, Morgantown, New Martinsville, Point Pleasant-Gallipolis, Ronceverte-White Sulphur Springs, Welch.

Areas officially classified as "areas of substantial labor surplus" by the Bureau of Employment Security, which meet the additional criteria for designation as areas with "substantial and persistent" unemployment as summarized below:

SUMMARY OF CRITERIA FOR DESIGNATING "AREAS OF SUBSTANTIAL AND PERSISTENT LABOR SURPLUS"

1. Unemployment is now 6 percent or more of the labor force, discounting seasonal or temporary factors.

2. The annual average unemployment rate [1] in the area has been:

(a) At least 50 percent above the national average for 3 of the preceding 4 calendar years; or

(b) At least 75 percent above the national average for 2 of the preceding 3 calendar years; or

(c) At least 100 percent above the national average for 1 of the preceding 2 calendar years.

[1] Unemployment rate: Unemployment or a percent of the labor force.

National average unemployment rates

Year:	*Rate*
1956	4.2
1957	4.3
1958	6.8
1959	5.5

Data on annual average unemployment rates for individual areas are based on information compiled from area labor market reports prepared by State employment security agencies in connection with the Bureau of Employment Security's regular program for the classification of areas according to the relative adequacy of labor supply. Reports containing such unemployment and labor force data are generally available on a bimonthly basis for the major areas, and semiannually for smaller areas. Preliminary data were utilized in some instances in determining the annual average unemployment rates.

Source: U.S. Department of Labor. Area Labor Market Trends, November 1960, pp. 18, 19.

[From the Washington Evening Star, Jan. 3, 1961]

OF HIGHEST PRIORITY

The need for some sort of governmental assistance to areas that are suffering deep and prolonged economic distress is one that is above and beyond partisan politics. It is, on the whole, a two-part need—calling for something in the nature of emergency relief for many individuals and for longer term efforts to rehabilitate many areas. The special labor-management-governmental study group headed by Senator DOUGLAS, of Illinois, has recognized these essentials of the problem and its recommendations to President-elect Kennedy contain constructive and worthwhile proposals. Mr. Kennedy, in turn, has promised the most important domestic priority to the matter, with the likelihood that congressional action in this field will be one of the first implementations of his campaign pledges.

Perhaps the simplest of the Douglas committee proposals, and one that presumably could be activated most promptly, is that of making additional surplus foodstuffs available for distribution in centers where long unemployment has left families with little or no means of self-support. Many such commodities are available, and the cost of their distribution would be insignificant in relation to the need. The committee also is on sound ground, while referring to unemployment insurance as a first line of defense against the hardships of joblessness, in proposing that there should be temporary Federal supplementation of the insurance funds in certain States, with a later effort to work out a "general improvement" in this portion of the social security system.

As a long-term proposition, it is evident that a massive revitalization of certain areas is essential if they are to escape a permanent state of depression. West Virginia, with its overwhelming dependence upon the suffering soft-coal industry, is a prime example but not the only one. As the Douglas committee points out, the problem of attracting new industries or reviving existing ones in such regions will require the thoughtful cooperation of all levels of government, from local to Federal, as well as imaginative private initiative.

Quite logically, no price tag has been placed on this overall attack on a problem of importance to the entire Nation. It is, in any case, a job that must be done and which should be tackled without hesitation. On both humanitarian and economic grounds, the need is urgent and the returns can be great.

The PRESIDENT pro tempore. The time of the Senator from Illinois has expired.

Mr. CLARK subsequently said: Mr. President, shortly after last fall's election, President-elect Kennedy appointed a task force to deal with problems of areas of chronic unemployment. The task force consisted of 22 members and 6 consultants. The task force submitted its report to President-elect Kennedy. The committee met at Charleston, W. Va. and in Washington, D.C. In addition, the task force had available 7 subcommittee reports and nearly 50 reports from local committees throughout the Nation appointed by President-elect Kennedy to survey their needs and to recommend programs for new jobs and new growth. The report, which was filed on December 29, was a unanimous report. I ask unanimous consent that the comments of President-elect Kennedy on receiving the report may be printed in the RECORD at this point.

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

It would be a mistake to consider the problems of chronic unemployment and underemployment solely in the context of the areas directly affected. The entire Nation suffers when there is prolonged hardship in any locality. This problem is especially critical today, for 1 out of every 10 persons in the United States lives in an area that now feels the impact of chronic unemployment or underemployment.

I know I express the appreciation of the entire Nation for the services of the distinguished group of citizens who have participated in this project. It was not easy; all of them had to devote themselves completely to this task on a crash basis.

Mr. CLARK. Mr. President, I ask unanimous consent that the index and the text of the report may be printed in the RECORD at this point.

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

KENNEDY TASK FORCE ON AREA REDEVELOPMENT, WASHINGTON, D.C., DECEMBER 27, 1960

Introduction.

PART I. RELIEF OF PERSONAL HARDSHIP

1. Food.
2. Unemployment compensation.
3. General assistance.
4. Emergency public work projects.

PART II. DEVELOPMENT OF LONG-TERM JOB OPPORTUNITIES

1. Area redevelopment legislation.
(a) Technical assistance.
(b) Loans for private projects.
(c) Loans and grants for public facilities.
(d) Training, retraining, and subsistence.
(e) Secondary market for industrial mortgages.
(f) Loan insurance.
2. Federal procurement.
3. The development of human resources.
(a) Raising of educational standards.
(b) Training, retraining, and placement.
(c) Services to persons with special employment problems.
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4. The development of physical resources and use of other special inducements.
(a) Highways.
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(e) Fuels and minerals.
(1) Coal and fossil fuels research.
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6. The prevention of distressed areas.

KENNEDY TASK FORCE ON AREA REDEVELOPMENT, WASHINGTON, D.C., DECEMBER 27, 1960

(Introduction)

The Task Force on Area Redevelopment was appointed by President-elect John F. Kennedy to formulate a program of action to assist people in economically distressed areas.

These areas include (a) nearly 100 labor markets classified by the U.S. Department of Labor as areas of "substantial and persistent labor surplus," and (b) three to four hundred of the lowest-income rural-small urban areas plagued by underemployment.

A distressed area is typically a pocket of chronic unemployment which persists even during relatively prosperous times in the rest of the Nation. It is especially hard hit in times of recession. Currently, when the unemployment rate nationally is over 6 percent, the distressed area rate is over 10 percent, and in some instances as high as 20 percent. General economic recovery can be expected to reduce the unemployment rate in distressed areas somewhat, but not enough to enable them to enjoy a fair share of the Nation's prosperity.

Changes in consumer demand, depletion of resources, changes in defense procurement or in location of defense facilities, decentralization of production, lack of industrial diversification, and technological change are the most important causes of depressed economic conditions in the labor surplus areas.

The use of gas and oil rather than coal for home heating and railroad power is an example of changed consumer demand. This shift in consumer preference, accompanied by mechanization of mining operations, resulted in serious unemployment in large areas of Indiana, Illinois, the region of the Upper Great Lakes, Pennsylvania, Kentucky, West Virginia, and many other communities along the Appalachian Range. Decreased consumer demand for wool textiles as a result of the development of synthetic fibers, as well as changes in plant location, have similarly left the textile towns of New England in a depressed condition.

The social impact of chronic unemployment is staggering. In September, 3.2 million persons obtained a distribution of Government surplus, amounting to a retail value of about only $9.36 per month per family of 4 persons. The number relying on surplus foods increases sharply in winter months. Along with the school lunch program, these surplus foods constitute the last line of resistance against malnutrition for hundreds of thousands of our fellow Americans. In West Virginia alone, in October, 281,000 people, out of a total population of 1.8 million, depended upon surplus food in order to sustain life.

There is wide bipartisan agreement that the distressed area problem cannot be resolved by private initiative alone. Government can lend a helping hand—local and State government as well as the Federal Government. It is also generally recognized that no one solution—no one plan or legislative enactment—can do the whole job for all distressed areas.

In the recommendations that follow, a diversity of programs is suggested. Some are urgent and demand immediate action, such as the relief of personal hardship, and the passage of an area redevelopment bill. Others refer to the priorities which should be assigned to the areas of chronic unemployment within existing or contemplated programs. Still others are recommendations which may be accepted or rejected, expanded or contracted, as experience is gained. Some are immediate and short term. Others are long range programs which cannot be carried out in a single year. Altogether, they serve as an arsenal from which specific weapons to combat the particular problems of a region or area which may be selected.

PART I. RELIEF OF PERSONAL HARDSHIP

1. Food

At present, flour, lard, dried eggs, dried milk, meal, and rice are on the surplus food distribution list. To improve the diet of needy persons in distressed areas, we recommend executive action to make additional surplus commodities available (such as butter, oatmeal, and peanut butter); to improve the distribution of surplus commodities with funds, personnel, storage space, and trucks; to assure that surplus commodities are made available regardless of State residence requirements; and to improve the management of the school lunch program so that it reaches every school in a distressed area.

We further recommend both executive and legislative action to permit the use of available funds to acquire foods temporarily not in surplus but necessary to provide a minimum balanced diet to those eligible for food grants; and both executive and legislative action to develop a food stamp plan, initially on a pilot basis, in the areas of greatest need.

2. Unemployment compensation

The current high national rate of unemployment has intensified the difficulties in the distressed areas. Unemployment insurance benefits have become the most significant first line of defense to eligible jobless wage earners. Our unemployment insurance legislation is in need of general improvement in the amount, duration, and financing of benefits. Pending such improvement, however, early action is necessary to meet the problems created by the exhaustion of unemployment insurance benefit rights for hundreds of thousands of wage earners.

To meet that problem, we recommend a temporary emergency unemployment insurance program along the general lines of the Temporary Unemployment Compensation Act of 1958. We urge, however, that the Federal funds advanced to the States should be in the form of grants rather than loans.

In addition, a Federal reinsurance program should be given high priority in the next Congress in order to protect States with a high proportion of distressed areas. Further increases in the taxes to finance unemployment compensation in those States will hinder efforts to attract new industry and will also discourage the growth of existing industry.

3. General assistance

The Federal system of grants-in-aid for public assistance does not provide any aid for the able-bodied, needy citizens and their families who have exhausted their unemployment compensation benefits. State programs for general assistance vary widely and most systems are inadequate to meet the needs. In 17 States, local funds are the only sources available to pay relief benefits to the employable needy, and the areas where the need is greatest often have the least economic resources from which to raise such funds.

We therefore recommend legislation to provide grants-in-aid to the States to help them finance adequate general assistance programs or, alternatively, an extension of the Federal aid-to-dependent-children program so that it will include children in need because their parents are unemployed.

4. Emergency public work projects

The question of whether a nationwide program of emergency public works projects should be undertaken as an antirecession measure is under consideration by another presidential task force. If such a program is authorized we believe that an appropriate portion of the available funds should be set aside for the distressed areas, and that among the authorized public works projects should be those for such purposes as local and regional access roads. These will be particularly helpful to distressed areas in overcoming their disadvantages in location and transportation. Distressed communities might also be relieved of some or all of any matching requirements, depending upon the extent of their resources. Also there should be projects which will enable these areas to develop their forest, water, and other resources.

If no national emergency public work programs are undertaken, then we recommend an emergency program of small public work projects limited to the distressed areas. The chronic low income in most of these areas has forced a chronic neglect of needed public works. Yet, without such improved public facilities, the private economy of these areas will probably never be successfully revived.

In the early 1930's, when we were struggling to overcome a national depression, we engaged in a great debate as to the relative desirability of public work projects as against direct relief. The decision was for public work, and for many reasons. The monuments of that decision—schools, improved forest and recreational areas, dams, roads, bridges—are now a part of our national wealth.

While we were then dealing with a national depression, an analogous situation exists when we are dealing—as we are now—with localized depressions. And for all of the reasons which contributed to a national decision for national public works to take people off the relief rolls and combat a national depression, we believe that a national decision should now be made for localized public works to take people off the relief rolls and combat localized depression.

Although eligibility standards for such aid must be drawn with great care, we believe that for the most distressed communities in the country there is no other adequate or self-respecting way to relieve long-standing hardship and begin the process of recovery.

PART II. DEVELOPMENT OF LONG-TERM JOB OPPORTUNITIES

The proposals for improved programs for the distribution of surplus food, unemployment compensation, public assistance, and emergency public work projects—while imperative to alleviate immediate hardship—are not the ultimate answers to the problem of the distressed areas.

From the standpoint of long-term public policy, the need is for permanent jobs.

Jobs sustain the morale of individuals and communities. Jobs add to individual and national wealth. When a job is provided for a man on relief, a taxpayer is substituted for a recipient of public assistance expenditures.

And jobs, not relief, are what the people of the distressed areas want.

This task force assumes that prompt and energetic measures will be taken by the new administration to create conditions under which the Nation will return to an adequate rate of economic growth. We further assume that recommendations for countering the current recession and stimulating expansion of the national economy are beyond the scope of our assignment. But nothing, from the standpoint of our own mission, is more important. Unless the national economy begins to grow at a rate fast enough to reduce substantially the current excessive national rate of unemployment, any special measures to benefit the distressed areas will be little more than palliatives.

The measures to insure adequate growth are varied. Some of them will operate quickly to provide job opportunities in the distressed areas; others will do so only over a longer period. But a many sided program should be enacted now to channel national growth, in greater degree than in the past, into areas of high and persistent unemployment and underemployment. Even in a period of more rapid economic growth, supplementary measures will still be necessary to develop and rehabilitate these areas. Only then will these areas be able to share fully in the rising volume of national production, and, in turn, contribute to national growth.

1. Area redevelopment legislation

The most immediate need is for legislation which will encourage new industry to locate, and existing industry to expand, in industrial areas of chronic unemployment, and in underdeveloped rural and small urban areas of underemployment which require a better balance of industry and agriculture.

Bills specifically designed for this purpose passed the Congress in 1958 and in 1960. They were thoroughly considered in extensive hearings by congressional committees, and there is wide agreement as to the general approach. In view of the need for quick action, it is recommended that an area redevelopment bill be enacted promptly by the Congress, and sent to the President for his signature.

The area redevelopment bill should propose a coordinated effort by the Federal, State, and local governments and private enterprise to redevelop the economies of areas with chronic unemployment and underemployment.

Such a bill should contain these main features:

(a) Technical Assistance

Careful programing is essential to successful efforts for economic redevelopment. Technical assistance must be provided to local bodies to enable communities and areas to plan intelligently their long-term economic development, explore fully the most constructive lines for their expansion, and create new locational advantages within their communities to attract private and public enterprise. Financial provisions should be contained within the legislation to enable the Administrator to assist these communities in programing their development course.

(b) Loans for Private Projects

The construction of industrial and commercial buildings, including tourist facilities, at attractive financial terms is frequently essential to the economic redevelopment of distressed areas and the creation of jobs. The evidence is conclusive that conventional lending facilities in distressed areas cannot provide fully for the long-term credit needed for such construction. The area redevelopment bill, therefore, should provide for loans that will attract business firms to these areas. Because the Federal Government should not subsidize these loans, the interest rate should therefore be fixed somewhat higher than the Federal Government pays on loans of comparable maturities. The bill should require that at least 35 percent of the capital investment come from non-Federal sources.

The purpose of financing these new projects is to assist in the creation of new enterprises rather than in the relocation of established firms.

(c) Loans and Grants for Public Facilities

Modernized public facilities are often prerequisites to the establishment or expansion of industrial or commercial plants or facilities. Some communities are unable to support the needed public facilities because of limited financial resources resulting from the deterioration of the tax base or chronic low income.

A loan program is needed to realize these facilities in such communities. In extreme cases it will be necessary to provide grants to enable communities to provide the facilities, such as access roads, industrial water, industrial parks, and public utilities where lacking, to make them attractive for industrial or commercial facilities. In most cases it is anticipated that grants will be related to the ability of the community and the State to contribute to such ventures.

(d) Training, Retraining, and Subsistence

It is also essential for a successful redevelopment program that the Federal Government, in cooperation with State, local, and private organizations expand the facilities and opportunities for training and retraining the labor force in the distressed areas in the new skills required in industry and commerce.

To make it financially possible for workers to undertake the training and retraining, those who are not entitled to or have exhausted their unemployment insurance should be paid subsistence payments during the period of training and retraining.

(e) Secondary Market for Industrial Mortgages

Many communities which have suffered heavy unemployment over a long period have invested large sums, including funds raised by popular subscription through community development organizations, in long-term industrial mortgages. But these communities, some of which pioneered in self-help operations, now find their available risk capital tied up in these mortgages, and are running out of financial resources. In order to free their funds for new investment in enterprises which will create the required new jobs, the Area Redevelopment Administrator should study the feasibility of allowing financial institutions in distressed areas, especially community development groups, to rediscount their industrial mortgages with some agency of the Federal Government. This could follow the general pattern established for the purchase of real estate mortgages by the Federal National Mortgage Association.

(f) Loan Insurance

The Administrator should also study the desirability of establishing a program of loan insurance to supplement the direct loan program contemplated in the area redevelopment program.

2. Federal procurement

We are deeply concerned that only about 1 percent of the value of all military prime contract awards is assigned to areas of substantial labor surplus as a result of any action by the military departments to assist these areas.

(a) We recommend that there be established at the requirements planning levels of defense and defense-related agencies positions to be filled by highly qualified technicians, employed by a different agency of the Federal Government, with responsibility to recommend ways and means to most effectively utilize production and manpower capabilities in areas of substantial labor surplus, including small businesses, in these areas.

We recommend that the President direct procurement agencies to require prime contractors to submit in their proposed bids detailed information regarding the maximum use of manpower and facilities located in substantial and persistent labor surplus areas. The procurement agencies should then require successful bidders to carry out such plans.

(b) It should be the policy of the Federal Government to encourage firms in distressed areas to participate fully in Government procurement. We recommend that the President direct Federal procurement agencies to make maximum use of competitive bids and set-asides. We also recommend that procurement agencies energetically implement the provisions of Defense Manpower Order No. 4 by assuring that firms in distressed areas participate to the maximum extent in Government procurement activities.

(c) If a general Government policy is adopted looking toward the additional dispersal of plants for defense production and defense-related installations, we believe that labor surplus areas should be given preferred consideration in the choosing of these new sites. The same principle should apply with respect to the dispersal, relocation, or new location of nondefense agencies and facilities of the Federal Government.

(d) In view of evidence submitted to the task force that some distressed areas have been deprived of some of their markets when other more expensive fuels have been offered to Government-owned installations, we recommend that an Executive order be issued which will require all Government-owned installations which are now in existence, or which may be constructed, should use that fuel which is most economical on the basis of an accurate, realistic, and impartial cost survey.

3. The development of human resources

The long-continued low income levels in some of the Nation's distressed and underdeveloped regions have also resulted in a relative underdevelopment of human talent. Local financial resources have not been sufficient to provide educational opportunities which are equal to those of other areas, and a large proportion of the more highly educated individuals have left their home communities for the more prosperous sections of the country. This migration has in turn handicapped these areas in their efforts to attain a healthy role of economic growth.

To reverse this trend requires outside help.

(a) Raising of Educational Standards

The educational lag in these regions cannot be overcome without Federal aid. It is the assumption of this task force that Federal aid on a nationwide basis will be instituted during the coming year. We recommend that such a program should embody an equalization formula to assure additional assistance to the poorer areas. Once such a program is enacted, we recommend that the President instruct the Secretary of Health, Education, and Welfare to determine what further legislation may be needed to enable these areas to provide educational opportunities equal to those offered citizens who live elsewhere, and to deal in the immediate future with the special education and training problems which currently limit the opportunities of young people in these areas.

(b) Training, Retraining, and Placement

Studies have shown that even in areas of high unemployment and even in the midst of recessions there are jobs for those with the right skills. Moreover, the possession of a skill which is in demand can enable an unemployed person to leave the area to find employment elsewhere.

Pending new legislative authority, a supplemental appropriation should be sought under the Vocational Act of 1946 earmarked for this specific purpose in order to permit a beginning to be made in the fiscal year 1961.

The Secretary of Health, Education, and Welfare and the Secretary of Labor should investigate the feasibility of providing funds to defray the cost of transportation to jobless workers while undergoing training.

Entering upon a retraining program should moreover not disqualify for unemployment compensation a person who is otherwise eligible.

In addition, the Secretary of Labor should make a special study to see how the functions of the employment service may be improved, so that available workers can be more effectively matched with available jobs.

(c) Services to Persons With Special Employment Problems

A person looking for work may have a special disadvantage if he is too old or too young, if he is unskilled or has the wrong skill, if he has a physical handicap, or if he is colored. While the problems of "hard to place" persons are national in scope, they are always more severe in areas of heavy unemployment.

The Employment Service has a smaller staff today than 13 years ago (10,460 compared to 12,124). We recommend placing additional specially trained vocational counselors in key employment offices in redevelopment areas to serve workers who have special employment problems. We also recommend sending task forces of experts in counseling, guidance, and job development into a community whenever a major unemployment crisis such as a mine or plant shutdown either occurs or threatens to occur.

To ease the burden of unemployment on the older workers, we recommend the amendment of the Social Security Act to permit retirement of male workers at age 62 with correspondingly reduced annuities.

We further recommend that the President establish a Committee on Special Problems of the Labor Force, and assign its responsibility for a program of educational and community planning and action to break down arbitrary barriers to the employment of all the groups of disadvantaged workers.

(d) Manpower Studies

We believe that responsibility should be clearly placed upon an existing or new unit in the Executive Office of the President to provide the leadership for and the coordination of the activities of the Federal Government in the entire area of manpower and the development of human resources.

4. The development of physical resources and use of other special inducements

Many of the Nation's distressed communities are located in underdeveloped regions with a rich natural resource potential. Yet, because of disadvantages of transportation, location, and topography, often amounting to inaccessibility, these resources have not been developed as rapidly as those of other areas. Lack of development has resulted in relatively low income, which, in turn, has resulted in a deficiency of capital. To reverse this downward spiral requires outside capital. In some cases the resource, such as a forest, has been depleted and is no longer an adequate source of employment in the production of timber, water development, and outdoor recreational facilities.

As resources are rehabilitated income and capital will be generated locally, providing the base for needed economic growth.

The emergency public work programs, the area redevelopment legislation, and other programs and actions proposed in this report should be administered with a view to their maximum contribution to the long-term development of the natural resources of the distressed areas. In addition, Federal assistance on a long-term basis is needed in several specific resource categories:

(a) Highways

The curtailment of the Federal-aid highway program throughout the Nation by imposition of contract controls has had a particularly injurious effect on States containing distressed areas because these are the States which, because of relatively low income, have lagged in highway construction. We recommend that the President take Executive action to terminate the restrictions which have prevented the States from making use of the full amount of Federal-aid highway funds legally available to them.

We recommend further that the President urge the several States, wherever feasible within the framework of prescribed criteria, to give priority to highway improvement projects located in or near economically distressed areas.

Special emphasis should be given to bringing chronically distressed areas into the mainstream of economic life through feeder road construction where isolation of large numbers of people prevents modern economic development.

The criteria for highway routing and capacity should take into account how economic growth can be stimulated, particularly in areas which have lagged in growth.

(b) Forests

As part of the program for emergency public works, a supplemental appropriation should be made to the Forest Service for the current fiscal year to permit timber-stand improvement, reforestation, trail and road construction, watershed improvement, erosion control, and development of recreation facilities in national forests in or adjacent to distressed areas.

For a longer range program, we recommend that the President direct the Secretary of Agriculture to present to the Congress during 1961 a plan for forest development in distressed areas, to include restoration of productivity and income-producing capability of the small private forest lands and strip-mined forest areas.

In addition to accelerating the conservation work on the national forests at once, their long-range plans should be adjusted and accelerated in a way that will give emphasis to the work needed in distressed areas over the next several years. There should also be fully utilized the authority to create new national forests where this solution is indicated.

(c) Parks

Similarly, a supplemental appropriation should be made to the National Park Service for Mission 66 projects in areas of economic distress with special emphasis upon facilities which will encourage the tourist industry.

To help promote the tourist industry in distressed areas, special authorization and appropriation should be provided to assist States to develop recreational facilities, such as roadside parks and campsites. The program would be administered by the National Park Service in cooperation with the States.

(d) Agricultural Conservation

As part of the emergency program, a supplemental appropriation should be made for the current fiscal year to the Soil Conservation Service for a land conservation work program to be administered through local soil conservation districts. The work to be stressed would include reforestation on farms and strip mine spoil areas, stream bank stabilization and erosion control, and small water control structures.

As a long-term measure, funds in the agricultural conservation program should be earmarked for permanent conservation practices providing maximum local employment in distressed areas, such as forestry on private land held by low-income landlords, with up to 100 percent of the cost to be borne by the Federal Government. Manpower would be obtained from local unemployed personnel, and the work to be stressed should be timber-stand improvement and erosion control.

(e) Fuels and Minerals

(1) Coal and fossil fuels research

The coal and fossil fuel rich areas need basic and applied research to provide new uses to maintain existing uses and to promote stability of employment.

We recommend an additional appropriation for the new Office of Coal Research and the intensification of cooperative studies with State and private groups.

(2) Minerals

In some areas higher quality minerals have been exhausted while elsewhere they are being neglected because methods have not been developed economically to extract and process certain low quality ores, or sufficient economic uses have not yet been discovered for other minerals.

We propose, therefore, that the minerals research program of the Bureau of Mines be expanded.

(3) National fuels policy

We recommend development of a national fuels policy. The lack of a national fuels policy is an underlying reason for some of the existing conditions of distress in the coal producing regions and in some independent oil producing communities. A national fuels policy would help alleviate prevalent distress, would help improve the economic health of these industries, and would be beneficial to the Nation's security.

(f) Other Public Works

A supplemental appropriation should be made to initiate construction of authorized projects for clear streams, navigation and flood control, pollution abatement, sealing of abandoned mines, public buildings, and other public works projects in or near areas of economic distress.

The agencies should be instructed to initiate or accelerate planning on new projects which provide opportunities for economic development in distressed areas, and to submit for Presidential approval projects on which planning is complete and which are ready for authorization.

The U.S. Army Engineers should be urged to take a new look in labor surplus areas at water resource projects previously classed as inactive so as to determine the possibility of their being placed again in the active category, and proper consideration should be given to all factors, including even flow and employment benefits in the selection of projects for authorization.

(g) Youth Conservation Corps

We recommend enactment of a bill to create a Youth Conservation Corps as provided by S. 812, passed by the Senate in 1959. Such a corps would provide manpower to expedite some of the kinds of projects of the type discussed earlier for National and State forests and parks while drawing enrollees locally to the greatest extent feasible and giving priority to locally experienced men as supervisors.

(h) Consideration of Special Tax Amortization

As additional encouragement to private industry to locate branch plants in chronic and persistent labor surplus areas and to expand existing enterprises in these areas, consideration should be given to the question of whether special tax amortization providing for accelerated writeoffs of plant and equipment would help to encourage industries to locate or expand production facilities in such areas.

5. Special regional development problems

We believe that in some regions of the country, where economic problems are particularly deep-seated and severe, the resource development activities described above need to be coordinated into broad regional developmental programs.

A region where such an approach is appropriate may be defined as one which, although it may contain islands of prosperity, suffers retarded economic growth in the region as a whole, has a level of income well below those of surrounding regions, and experiences a general underutilization of its labor force.

One such region is easy to identify—the Appalachian area which extends from New York to Alabama and contains portions of 11

States. The economy of the region suffers from the decline of the coal industry, disadvantages of topography, transportation, and highway deficiencies, and isolation from major population centers.

Other regions with special problems include the textile region of New England and upper New York; the region of declining timber and iron ore production of the upper Great Lakes States; certain underdeveloped rural and small-town areas of the South, Southwest, and Far West; and the coal region of southern Illinois and Indiana.

We urge a program of regional development commissions to attack the special problems of each region and to propose means for formulating and carrying out comprehensive development programs.

As an immediate step, we recommend that the President appoint such a commission for at least one of these major areas. Both because of its size and the severity of its problems, we believe that such a commission might well be set up first for the Appalachian region. This in turn could serve as a possible pilot project for similar efforts in other regions.

6. The prevention of distressed areas

Our recommendations thus far have related to the alleviation of distress and economic revival within areas now classified as distressed.

Of perhaps equal importance, though infinitely more difficult, is the development of an early warning system to detect the beginning of trends which lead to localized depressions and the development of measures for the correction of such trends before the problem becomes acute.

It is now apparent that the automation of particular industries, such as the steel industry, may result in a new group of distressed areas.

We therefore recommend that the President give consideration, through whatever agency he deems appropriate, to the problem of structural changes in the economy which produce unemployment, with particular emphasis on automation and with the job of devising such an early warning system together with remedial measures.

KENNEDY TASK FORCE ON AREA REDEVELOPMENT

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Mr. RANDOLPH subsequently said: Mr. President, I ask unanimous consent that my remarks may be printed at an appropriate place in the RECORD.

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

Mr. RANDOLPH. Mr. President, I consider my cosponsorship of the area redevelopment bill, introduced today by the learned and devoted senior Senator from Illinois [Mr. DOUGLAS], to be both a privilege for which I am grateful and a responsibility I owe to my constituency.

Beyond these personal and parochial considerations, I believe it is incumbent upon me as a U.S. Senator to support and to work diligently for the enactment of the measure as introduced by the Senator from Illinois [Mr. DOUGLAS] because I construe it to be legislation in the national interest.

Earlier this week, President-elect John F. Kennedy released the report of a task force he had appointed to deal with problems of areas of chronic unemployment. Upon receiving the report, the President-elect is quoted as having stated in a press release:

It would be a mistake to consider the problems of chronic unemployment and underemployment solely in the context of the areas directly affected. The entire Nation suffers when there is prolonged hardship in any locality. This problem is especially critical today, for 1 out of every 10 persons in the United States lives in an area that now feels the impact of chronic unemployment or underemployment.

I communicated to the President-elect my concurrence with his statement, and I reminded him that I have spoken frequently in the Senate concerning my view that there is erosion of the total economy growing out of inattention to conditions of chronic labor surplus and areas of unemployment and underemployment.

It is my purpose not only to refer approvingly at this time to the area redevelopment bill introduced by the Senator from Illinois [Mr. DOUGLAS], with my cosponsorship and that of a substantial number of our colleagues, but also, I reiterate the portion of my message to the President-elect in which I stated:

I am privileged to support fully the most helpful report and sound recommendations of the Kennedy task force on area redevelopment. There is widespread appreciation by West Virginians for the constructive method of approach you sponsored in efforts to seek solutions for the problems of our State. Likewise, I have the feeling that there is similar national acceptance of and gratification with the broader representative pattern you so properly established in the courageous and necessary search for means to alleviate human suffering and joblessness in all chronic labor surplus areas and over the Nation as a whole.

After the task force recommendations have been evaluated by you, and when the new administration's program in this vital area of national concern has been formulated, be assured that it will be my desire and intent to work cooperatively and diligently with you and your staff, and with others who will be in places of authority in the Government under your wise, vigorous, and forthright leadership. We must bring this program to fruition.

As one who served in consultative capacity with the Kennedy task force dealing with problems of areas of chronic unemployment, I join you in paying deserved tribute to the distinguished chairman (the senior Senator from Illinois) and members of that outstanding group for their patriotic and unselfish services. The excellent product of their labors will serve as guidelines for progress on the new frontier.

In this connection, I commend the senior Senator from Pennsylvania [Mr. [CLARK] and wish to associate myself with his comments concerning the same task force when, earlier today, he inserted the text of its report in the RECORD.

A vital portion of that report deals with the subject of area redevelopment legislation in the development of long-term job opportunities. I agree with the task force finding that:

Proposals for improved programs for the distribution of surplus food, unemployment compensation, public assistance, and emergency public work projects—while imperative to alleviate immediate hardship—are not the ultimate answers to the problem of the distressed areas. From the standpoint of long-term public policy, the need is for permanent jobs. And jobs, not relief, are what the people of the distressed areas want. Unless the national economy begins to grow

at a rate fast enough to reduce substantially the current excessive national rate of unemployment, any special measures to benefit the distressed areas will be little more than palliatives.

Even in a period of more rapid economic growth, supplementary measures will still be necessary to develop and rehabilitate these areas. Only then will these areas be able to share fully in the rising volume of national production, and, in turn, contribute to national growth.

The most immediate need is for legislation which will encourage new industry to locate, and existing industry to expand, in industrial areas of chronic unemployment, and in underdeveloped rural and small urban areas of underemployment which require a better balance of industry and agriculture. In view of the need for quick action, it is recommended that an area redevelopment bill be enacted promptly by the Congress, and sent to the President for his signature.

Mr. President, the measure introduced today by the senior Senator from Illinois [Mr. DOUGLAS], is an adequate bill—a very necessary item of legislation—and I cosponsor it enthusiastically and will support it vigorously.

Mr. President, I am grateful that the bill which has been presented by my able colleague from Illinois [Mr. DOUGLAS] and other Senators will receive early and favorable consideration by the Members of this body. It is important that we realize the fact that thrice the Senate of the United States has passed legislation to aid the distressed areas of the Nation, the deep pockets of poverty and unemployment and labor surplus throughout the country.

On two occasions Congress passed area redevelopment legislation. In the first instance the legislation received a pocket veto in 1958, and in the second instance there was a veto by the President in 1960. The Senate did not override.

The essence of the earlier legislation, included in the current bill, should be passed early this session, and then the measure will go to the White House. We already have a positive assurance, a pledge made during a vigorous campaign by our President-elect that he, as Chief Executive, if he were chosen by the electorate of this country, would sign such a bill.

There is an urgency about the situation, and, as already indicated, these remarks should be printed at an appropriate place in the RECORD, which I believe will be in connection with remarks made by my colleague from Illinois [Mr. DOUGLAS] earlier today.

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

Mr. RANDOLPH. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I am very much in favor of distressed areas legislation directed particularly toward those areas of chronic unemployment which have suffered, which have not shared the general prosperity enjoyed by much of the rest of the country over a number of years.

I have supported depressed areas legislation when I was a Member of the other body and in this body. I believe the first bill I introduced in the 86th Congress was on that subject.

I have today introduced S. 6, my first bill in the 87th Congress. It is a bill substantially similar to the bill known last session as the Scott-Van Zandt bill. The Scott-Van Zandt bill provided for expenditures of $200 million. S. 6 would provide for $214 million.

I have spoken to the Senate previously with regard to the proposals contained in my bill, and I have also submitted an analysis of the bill, which I commend to all Senators. In my judgment, the bill is one which deserves serious consideration. I should like to have it considered in the course of the debate on the subject.

The bill had the support of the Vice President during speeches he made in the past year. It will be introduced in the other body, in my opinion, by certain Members of the House.

I commend the distinguished Senator from Oregon [Mr. MORSE] and the distinguished Senator from West Virginia [Mr. RANDOLPH] for their great interest in this matter. I hope that from among the several proposals submitted we may be able to get a workable, effective bill which will meet the views of the other body and which can be signed by the next President. I sincerely hope the bill will be pointed directly toward the objective of depressed areas assistance—the retraining of personnel to provide them with new skills; assistance to industry to move in without endangering existing industry in another part of the country; and help to the communities which, because of changing economic conditions, through no fault of their own, have not kept pace with the general forward economic growth and prosperity of the United States.

I thank the distinguished Senator from West Virginia for yielding to me.

Mr. RANDOLPH. Mr. President, I respond by simply stating that the Senator from Pennsylvania has had a very genuine concern for the passage of proposed legislation in this field. We have disagreed as to some of the particulars, but it is important for me to remember today, as I do, that in the 86th Congress and prior to that Congress there was a very vigorous effort on the part of the Senator from Pennsylvania to meet this problem and to be realistic in the solving of a very tragic situation in certain areas, sections, and States within the Republic. I congratulate the Senator.

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

Mr. RANDOLPH. I yield to the able Senator from Florida.

Mr. HOLLAND. Mr. President, while the two distinguished Senators who have spoken are present in the Chamber I should like to express an opinion, which I think is not only an opinion entertained by the Senator from Florida but also an opinion entertained by many other Senators.

I do not think there is anyone in the Senate who does not wish to be duly sympathetic with grave problems of continued unemployment, poverty, ill health, and other things which go with depressed areas, with all the deterioration of morale. The trouble has been that the bills we have had under consideration have not dealt directly with those problems in such a way as to give relief where it was needed, and to stay away from the problem of setting up a tremendous organization to go into other areas where there was nothing like such distress.

The Senator from Florida knows what he is talking about, because, as was admitted on the floor of the Senate by our distinguished friend, the Senator from Illinois, the last bill included four counties of the State of Florida as distressed areas.

I pointed them out on the map. In no sense of the word were they distressed or depressed. They were among our highly prosperous counties; namely, Leon County, in which our capital city of Tallahassee is located; Escambia County, where the great naval air station is located; Gadsden County, where wrapper leaf tobacco is raised, and where agriculture is probably more prosperous on the average than in any other county in our State; and Alachua County, where the great University of Florida is located, in addition to numerous other important institutions.

It is not necessary to put out a sop to the Senators from Florida or, I am confident, to Senators from any other State to vote for legislation which realistically deals with this problem. The Senator from Florida has been in a part of the coal area in West Virginia and has been in the anthracite area of Pennsylvania; and he knows perfectly well that there is great distress and tremendous depression in those areas. Certainly he would like to do something to help that situation.

The Senator from Florida handled in subcommittee, in full committee, on the floor of the Senate, and in conference the measure under which food was made available and under which such foods as flour, grits, and meal were processed and packaged in such form that they could reach the recipients.

It is quite possible that that measure did not go far enough, and certainly the Senator from Florida would want to see it go as far as it was designed to go—that is, to give a reasonable measure of satisfying food to the people who are affected—and he would like to go further in the various ways that have been suggested on the floor. But he hopes with all his heart that these two Senators who have introduced bills and others who are so vitally interested in this program will not again bring to the floor of the Senate legislation which includes areas which have no problem with these depressed and distressed areas, many of whose forlorn people are forced to leave the areas in which they have long resided. It is to that point the Senator from Florida wished to address himself at this time. I am sure that every Senator and Representative would like to show by his vote, sympathy and helpfulness in a practical and reasonable way. I hope that the proposal which reaches the floor of the Senate will be one which does not simply try to give something to every State, no matter how prosperous it might be. I hope I may be able to cooperate in the fullest measure with my two friends, the

distinguished Senators who are now on the floor. I hope to be in a position to support the proposed legislation. If it is in the form in which it was at the last session, I shall not be able to do so.

Mr. SCOTT. Mr. President, I wish to clarify something referred to by the senior Senator from Florida. I am sure the distinguished Senator will be interested in the fact that the criteria contained in my bill are the same criteria which were contained in the bill which I introduced in the last session and in the administration compromise bill known as S. 3569. I am very pleased that the new Douglas bill has adopted the same unemployment criteria as were contained in my previous bill and as are contained in the present bill. These could be referred to as tighter criteria, a more careful delimitation of the target areas involved. The main difference between the Douglas bill and the Scott bill, although there are other differences, in my mind is the difference in the amounts of money appropriated for certain specific propositions contemplated in those two bills. The tighter criteria are embodied in the bill, and were embodied in S. 722, but were not in the original Douglas bill.

ASSISTANCE TO SMALL BUSINESS BY ALLOWING CERTAIN DEDUCTIONS FOR INCOME TAX PURPOSES

Mr. SPARKMAN. Mr. President, I introduce a bill providing for a tax adjustment for small and medium-size businesses. The bill is identical to S. 59 of the last Congress, in which I was joined by 15 of my esteemed colleagues as sponsors, including 8 members of the Senate Committee on Small Business.

Today I am particularly pleased that all 17 members of the Small Business Committee are joining in sponsoring this important bill. The full list of cosponsors reads as follows: Senators LONG of Louisiana, HUMPHREY, SMATHERS, MORSE, BIBLE, RANDOLPH, ENGLE, BARTLETT, WILLIAMS of New Jersey, MOSS, SALTONSTALL, SCHOEPPEL, JAVITS, COOPER, SCOTT, PROUTY, BYRD of West Virginia, CARROLL, DODD, GRUENING, KEFAUVER, NEUBERGER, and YARBOROUGH.

The need for enactment of this tax adjustment to enable smaller concerns to finance growth and expansion is clear and pressing. We are all too well aware of the deficiencies of our capital markets in the long-term debt and equity capital areas in meeting the financial needs of small business. Tax adjustment provided in this measure would provide a remedy for this gap in our financial structure by utilizing the reinvestment of earnings of principal to enable small firms to obtain the required funds to finance their growth and thus maximize their contribution to our economic well-being. The bill would accomplish this objective by authorizing as a deduction from taxable net income an amount equal to the aggregate addition to capital represented by reinvestment in depreciable asets, inventory, and accounts receivable except that the maximum deduction would be 20 percent of net income or $30,000, whichever is the lesser.

Too much stress cannot be placed upon the underlying principle on which the provisions of the bill are based. Utilization of the reinvestment-of-earnings principle recognizes the undisputed fact that historically new business and smaller concerns have had to place maximum reliance upon retained earnings to secure and retain a foothold in our economy. Generally placed at the bottom of the credit worthiness scale by lenders and investors because of their newness or size, small businesses have had to rely on retained earnings to provide the funds to increase assets and finance expansion. The tax credit provided by the bill would be available only to the extent that additional aggregate investments in modernization and inventories were made.

Mr. President, the convening of this Congress in the midst of the challenges of the 1960's hardly requires a restatement of the importance of small business to our country or a reevaluation of the role played by small business in the success of our dynamic capitalism. No greater tribute has been given to our reliance upon the reinvigorating benefits of their contributions than that paid by that great American, Woodrow Wilson, when he said:

> No country can afford to have its prosperity originated by a small controlling class. The treasury of America does not lie in the brains of the small body of men now in control of the great enterprises. It depends upon the inventions of unknown men, upon the ambitions of unknown men. Every country is renewed out of the ranks of the unknown, not out of the ranks of the already famous and powerful in control.

Our dependence for continued economic resurgence upon the vitality of the small and unknown is no less today. The spawning ground for constant renewal of our economic capacity for growth remains the 4 millions of small businesses serving every segment of the American economy. The broad-based participation in our economic life by small business underscores the importance of this segment of the business community to the efficient functioning of our national economy. And it likewise underscores a constant recognition that a favorable climate must exist for these concerns, as well as new entrepreneurs, to grow and expand lest we slip unknowingly into a posture where inventive creativity is restricted and incentive becomes the victim of effective paralysis.

The overwhelming need of small business for access to capital in order to grow and expand in a competitive economy has been extensively documented in recent years. Case history after case history was presented to the Senate Small Business Committee during its nationwide hearings in the fall of 1957. Without exception, witness after witness graphically portrayed the inability of their small business concerns to obtain long-term funds from the capital markets on either a debt or equity basis. And where longer term loans might ordinarily have been available, the prospects of repayments were dependent upon the ability to retain earnings which the tax structure just did not permit. Although worthwhile amendments were made to the Internal Revenue Code in 1958, it is recognized that they did not go far enough. Our present income tax structure places a disproportionately heavy burden on small concerns. In addition, the difficulties in obtaining needed capital have acted as a drag on the growth of many smaller concerns. Relief based upon the reinvestment of earnings principle is needed by these concerns and is absolutely vital to their survival and growth. Otherwise, we will see more and more small firms declining, first to marginal operations and then finally to oblivion.

Some may claim that the more than 14,000 business failures in 1959 or the more than 15,000 in 1960 should be expected in an economy as competitive as ours. They might likewise claim that the losses sustained by these businesses of almost three-fourths of a billion dollars in 1959 and more than $1.5 billion in 1960 were a small price to pay, easily bearable by an economy with a $500 billion gross national product. However, no matter what measure one selects to weigh the importance of these business deaths to our total economic activity, we cannot escape the fact that in recent years the rate of business failures, as well as the dollar losses, have both soared. It is worth pointing out that such an acceleration in business failures or dollars lost did not prevail during the period from 1921 to 1933.

I have long been concerned with the increasing wave of mergers sweeping the business community in recent years. As a result of this activity, hundreds of true independent companies each year have lost their independent status and become subsidiaries of larger corporations. While I am willing to grant that there may be good mergers as well as bad mergers, I am unable to convince myself that this recent epidemic of mergers can possibly work to the advantage of small and independent businesses in the long run. To the degree that business deaths and mergers are caused by inability to secure adequate financing for growth and expansion and thus remain in the competitive stream, tax adjustment based upon reinvestment of earnings will provide effective relief.

We should be under no illusions about the challenges of the years ahead. A strong, broad-based, virile and enterprising business community is absolutely vital to our dynamic economy to insure continued growth to serve an ever-expanding domestic population as well as underpin our economic strength in meeting the tremendous and complex assaults upon the security of the freedom-loving nations throughout the world.

In recent months, economic forecasters have become increasingly alarmed over mounting unemployment, increasing idle productive capacity, and widening pockets of regional and area depressed economic activity. Steel production is running at less than 50 percent of capacity, capital goods orders are down, housing starts are off more than seasonally and inventory liquidation seems to

be the order of the day. While we sincerely hope that these trends will be brief in extent and duration, we know that renewed confidence would be expressed by new orders for stock in trade and new expenditures for modernization.

The tax adjustment provided for in this bill will result in increased purchases of inventories and increased investment in capital goods and modernization of facilities. It can serve the dual purpose of providing long overdue relief to small and medium-sized businesses in financing their growth and expansion and also providing a well recognized counterstimulant to the current economic ills of increased unemployment and greater unused industrial plant capacity. It is my earnest hope that the measure will receive early and favorable consideration by this Congress.

Mr. President, I ask unanimous consent that this bill may lie on the table for 1 week in order that additional Senators may cosponsor it.

I further ask unanimous consent that the text of the bill may be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and will lie on the desk as requested; and, without objection, the bill will be printed in the RECORD and the name of the Senator from Rhode Island will be added as a sponsor.

The bill (S. 2) to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 181. ADDITIONAL INVESTMENT IN DEPRECIABLE ASSETS, INVENTORY, AND ACCOUNTS RECEIVABLE.

"(a) GENERAL RULE.—In the case of any person engaged in a trade or business, there shall be allowed as a deduction for the taxable year an amount measured by the additional investment in such trade or business for the taxable year.

"(b) LIMITATIONS.—The deduction under subsection (a) for any taxable year shall not exceed whichever of the following is the lesser:

"(1) $30,000, or

"(2) an amount equal to 20 percent of the taxable income of such trade or business for the taxable year (computed without regard to this section).

"(c) ADDITIONAL INVESTMENT DEFINED.—For purposes of subsection (a), the additional investment in a trade or business for a taxable year means the amount (if any) by which—

"(1) the aggregate, computed as of the close of the taxable year, of the adjusted bases of—

"(A) all property used in the trade or business of a character which is subject to the allowance for depreciation provided in section 167,

"(B) all stock in trade and property held primarily for sale to customers in the ordinary course of the trade or business, and

"(C) all accounts receivable attributable to sales to customers in the ordinary course of trade or business; exceeds

"(2) a similar aggregate, computed as of the beginning of such taxable year.

"(d) SPECIAL RULE—LIMITATION OF AFFILIATED GROUP.—For purposes of this section—

"(1) All members of an affiliated group shall be treated as one taxpayer; and

"(2) The Secretary or his delegate shall apportion the limitation contained in subsection (b) among the members of such affiliated group in such manner as he shall by regulations provide.

"(3) AFFILIATED GROUP DEFINED.—For purposes of this subsection, the term 'affiliated group' has the meaning assigned to it by section 1504, except that, for such purposes, the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504 (a)."

(b) The table of sections for such part VI is amended by adding at the end thereof the following:

"SEC. 181. ADDITIONAL INVESTMENT IN DEPRECIABLE ASSETS, INVENTORY AND ACCOUNTS RECEIVABLE."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1960.

RULES OF INTERPRETATION GOVERNING QUESTIONS OF THE EFFECTS OF ACTS OF CONGRESS ON STATE LAWS

Mr. McCLELLAN. Mr. President, for myself, the senior Senator from New Hampshire [Mr. BRIDGES], the junior Senator from South Carolina [Mr. THURMOND], the senior Senator from Florida [Mr. HOLLAND], the senior Senator from Virginia [Mr. BYRD], the junior Senator from Virginia [Mr. ROBERTSON], the senior Senator from Georgia [Mr. RUSSELL], the junior Senator from Georgia [Mr. TALMADGE], the senior Senator from Alabama [Mr. HILL], the junior Senator from Alabama [Mr. SPARKMAN], the senior Senator from Iowa [Mr. HICKENLOOPER], the senior Senator from Kansas [Mr. SCHOEPPEL], the senior Senator from Utah [Mr. BENNETT], the senior Senator from Delaware [Mr. WILLIAMS], the senior Senator from North Dakota [Mr. YOUNG], the junior Senator from Arizona [Mr. GOLDWATER], the junior Senator from Mississippi [Mr. STENNIS], the senior Senator from South Dakota [Mr. MUNDT], the junior Senator from Nebraska [Mr. CURTIS], the junior Senator from North Carolina [Mr. JORDAN], and the junior Senator from Florida [Mr. SMATHERS], I introduce for appropriate reference a bill to establish rules of interpretation governing questions of the effect of acts of Congress on State laws.

This bill is identical in language with the amendment in the nature of a substitute which many of us offered to Senate bill 654, the so-called Bridges bill, on August 20, 1958, in the 2d session of the 85th Congress. It will be recalled that a motion to recommit that bill was carried by a vote of 41 to 40.

The measure that I am introducing is also the same as S. 3 of the Congress just passed, which I introduced on January 8, 1959. It is likewise identical with H.R. 3, which has passed the House of Representatives twice, in both the 85th and 86th Congresses under that number designation.

This bill is known as the Federal anti-preemption bill. I shall not discuss it in detail, but I point out that it is designed to correct the situation which exists under present rulings of the U.S. Supreme Court, to the effect that when Congress has enacted legislation on any subject, the States are deprived of the power to enact or to enforce similar laws on the same subject, even though not in conflict with a Federal statute.

To correct this situation the bill would do two things. First, acts of Congress would not repeal State laws or nullify them, or preempt a field of legislation unless Congress specifically so provided.

Second, State laws would not be declared by the Supreme Court as being ineffective and incapable of enforcement, unless they were in irreconcilable conflict with the Federal law.

I ask unanimous consent that the bill may lie on the desk until the close of business on next Tuesday, January 10, in order that other Senators who may desire to do so may join as sponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk until the close of business Tuesday, January 10.

The bill (S. 3) to establish rules of interpretation governing questions of the effect of acts of Congress on State laws, introduced by Mr. McCLELLAN for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. BLAKLEY subsequently said: Mr. President, earlier today the distinguished senior Senator from Arkansas [Mr. McCLELLAN] introduced a bill, S. 3, to provide rules to guide courts in their construction of existing statutes and future enactments. I am indeed proud to join as a cosponsor of this measure, which is popularly known as the anti-preemption bill.

In recent years we have seen a disturbing extension of the Federal preemption doctrine to many areas of concurrent Federal-State jurisdiction, and as a result many worthwhile and constructive State laws have been nullified and voided.

As a lawyer I have long seen the need for the establishment of clear and concise guide rules for interpreting the effect of acts of Congress on State laws. I, therefore, wish to associate myself with the remarks of the Senator from Arkansas, and I hope that the Senate Judiciary Committee will give the measure early and favorable consideration.

THE PADRE ISLAND NATIONAL SEASHORE RECREATION AREA; INTRODUCTION OF BILL FOR ITS CREATION

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill providing for the establishment of a National Seashore Recreation Area on Padre Island, Tex.

To begin with, it might clarify matters to trace the recent history of this proposal. First in the 85th Congress, 1958, and again in the 86th Congress in January 1959, I introduced bills providing for the establishment of Padre Island National Seashore Recreation Area. Thousands of Texans and others across the Nation have endorsed and are supporting this project.

This bill provides for public preservation of an 88-mile section of Padre Island in accordance with the recommendation of the field investigators of the National Park Service contained in a report of February 1959. Adoption of the bill would mean that the substantial portion of America's longest, southernmost natural beach would be preserved for public recreation.

In December 1959, the Subcommittee on Public Lands of the Senate Interior and Insular Affairs Committee headed by the Senator from Utah [Mr. Moss] held public hearings in Corpus Christi, Tex., on this proposed project. Some 50 witnesses testified for the Padre Island National Seashore project and less than half a dozen opposed the project.

This led National Parks Director Conrad Wirth to comment that it was the most overwhelmingly favorable endorsement of such a park project that he had ever seen.

A few of the organizations, National, State and local, which have passed resolutions endorsing the project include: Advisory Board on National Parks, Historic Sites, Buildings, and Monuments; Izaak Walton League of America; Gulf Coast Council, Boy Scouts of America; National Parks Association; National Council of State Garden Clubs; Texas Ornithologist Society; Southwestern Association of Naturalists; American GI Forum of United States; Texas Conservation Council; National Audubon Society; National Conference on State Parks; and American Planning & Civic Association.

The National Parks Advisory Board has unanimously approved the project.

This Nation now has only one national seashore area, which is Cape Hatteras, N.C., and the opportunity for acquiring others is fast disappearing.

Mr. President, under the leadership of Franklin Delano Roosevelt in the 1930's a survey of the possibilities for creating these national seashore recreation areas was conducted, and the survey showed that there were 14 such areas which should be established. Mr. President, that was not done. Eleven of those areas have already been developed, either industrially or for private residences, and they are no longer available. The areas which might be acquired for national seashore recreation are now very limited.

Mr. President, in addition to the fact that the National Parks Advisory Board has unanimously approved the project, the Texas Legislature in 1959 passed enabling legislation for establishment of Padre Island National Seashore Recreation Area, and late last year the joint open beaches study committee of both houses of the Texas Legislature voted unanimously in favor of an 88-mile Padre Island Seashore Park.

Secretary of Interior Fred Seaton and Secretary of Interior designate Stewart Udall have voiced strong support for the project. Secretary Seaton proposed an allocation of $8.1 million for land acquisition, development and operations over a 5-year period.

The acquisition of this land and establishment of a Padre Island Seashore Recreation Park will cost much less now, and the people of America will realize much more for their money, than they will later. A decade or so ago this same land, and more, could have been acquired for perhaps $1 or $2 million. That day is gone, and so is much of this choice warm gulf coast beach. If we delay further, the people of this Nation will pay more tax money for less beach area. Waiting will mean false economy and lost opportunity.

With the national population explosion, with tens of millons or more Americans with more leisure hours wisely turning to outdoor recreation, we must look beyond our legislative noses. We must act today if our grandchildren and theirs are to have much of the great outdoors which was our inheritance, and which should be theirs.

Along the 3,700 miles of the Atlantic and gulf coast, only 265 miles have been set aside for public beaches and parks. If this trend continues, if we turn our heads or bow to private exploitation, we will contribute to building only a land of great cities, where highways simply lead from one asphalt-paved, man-made canyon to another, and where Americans are fenced away from the sea.

If we allow this to happen, we will permit many Americans to lose a vital part of the heritage of a great land and of a great people.

In urging the establishment of Padre Island National Seashore, in urging consideration and action on many park and natural resource projects in America, I am not speaking for the new frontier. Instead, I plead for what many conservationists, many Americans, consider and what really is, geographically, the last frontier.

Unless we act now, it will be the lost frontier.

Mr. President, I ask unanimous consent to have the bill providing for the establishment of Padre Island National Seashore Recreation Area printed in the body of the RECORD.

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

The bill (S. 4) to provide for the establishment of the Padre Island National Seashore, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped, the Secretary of the Interior is hereby authorized to take appropriate action in the public interest toward the establishment of the national seashore set forth in section 2 of this Act.

SEC. 2. The area comprising the portion of the land and waters of Padre Island situated in the coastal waters that is described below is designated for establishment as the "Padre Island National Seashore":

Beginning at a point one mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico, a distance of about three and five-tenths miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287, and 1288 for a distance of approximately eighty-five miles; thence westerly crossing Padre Island to the easterly line of the Intracoastal Waterway at a point northerly of Three Island; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

SEC. 3. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area described in section 2 of this Act or which lies within the boundary of the seashore as established under section 4 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) The Secretary is authorized to pay for any acquisitions which he makes by purchase under this Act their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

SEC. 4. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 2 of this Act, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish the area as a national seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 2 of this Act. The Secretary shall forthwith after the date of publication of

such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State of Texas and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for the county involved.

SEC. 5. (a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of his property for noncommercial residential purposes for a term not to exceed twenty-five years, or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of twenty-one, whichever is the latest. The owner shall elect the term to be reserved. In any case where such an owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased, in whole, but not in part. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) As used in this Act, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this subsection referred to as "dwelling"), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. The amount of such adjoining property to be so designated by the Secretary shall in no case be less than three acres in area, or all of such lesser amount as there may be, except that the Secretary may exclude from the amount of adjoining property so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

(c) When acquiring land, waters, or interests therein for the Padre Island National Seashore, the Secretary may permit a reservation by the grantor of all or any part of the minerals in such land or waters, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of the minerals, under such regulations as may be prescribed by the Secretary.

SEC. 6. Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535); as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $4,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SEC. 8. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

AREA REDEVELOPMENT ACT

Mr. SCOTT. Mr. President, since coming to the Senate, I have vigorously supported programs for redevelopment, rehabilitation, and relief in depressed areas of our country. The first bill I introduced upon coming to the Senate in 1959 was for this purpose, and I supported earlier legislation in the House.

S. 268, which I introduced in the 86th Congress, was very similar to the area redevelopment bill finally approved by the House and the Senate. This has encouraged me to believe the same result might be forthcoming in the 87th Congress.

Mr. President, I was concerned when recent press reports indicated that the task force, appointed by President-elect Kennedy and headed by the senior Senator from Illinois, might be expected to concentrate its efforts in West Virginia.

On December 8, the senior Senator from Kentucky and five Republican members of the Pennsylvania delegation in the House, joined me in sending a telegram to the distinguished chairman of the task force, expressing the hope that other distressed areas will not be forgotten.

WASHINGTON, D.C., December 8, 1960.—The following is the text of a telegram to Senator PAUL H. DOUGLAS, chairman of a special group to consider problems of distressed areas, signed by Senators HUGH SCOTT, Republican, of Pennsylvania; JOHN SHERMAN COOPER, Republican, of Kentucky; Congressmen IVOR D. FENTON, Republican, of Pennsylvania; JAMES E. VAN ZANDT, Republican, of Pennsylvania; JOHN P. SAYLOR, Republican, of Pennsylvania; ARCH A. MOORE, Jr., Republican, of West Virginia; and Congressman-elect WILLIAM W. SCRANTON, Republican, of Pennsylvania:

"We have read with a great deal of interest of your appointment as chairman of a special group to consider problems of distressed areas. We who have worked for many years for aid to our chronic areas of unemployment in Pennsylvania, Kentucky, and elsewhere, are pleased to know that President-elect Kennedy considers this problem to be urgent enough to become one of his first orders of business.

"As you know, along with others vitally interested in this type of legislation, we have felt for some time that we should not use a pork barrel approach, but rather aim such legislation to correct those longstanding areas of chronic distress such as exist in the coal regions of Pennsylvania and Kentucky. Certainly West Virginia is greatly in need of an effective program of assistance. However, there are also a number of chronically depressed areas in Pennsylvania, Kentucky, Illinois, and elsewhere. The character of assistance needed in one State may differ in some respects from that needed in another.

"Please be assured of our desire to cooperate with you and your committee in any way possible in order to secure passage of workable and effective legislation to provide assistance to longstanding chronically depressed areas. May we assume that such cooperation will be welcomed in the future as in the past?"

I was glad to be reassured that the task force would develop plans to include Pennsylvania, Kentucky, and other States having depressed areas. I have worked earnestly with my colleagues from West Virginia, and know they would want Pennsylvania and Kentucky to share in any remedial programs developed.

The distinguished senior Senator from Illinois was good enough to furnish me with a draft of his proposed area redevelopment bill. While not all of the figures were filled in on the committee print, I could estimate the total cost would be in line with bills he has previously offered.

Not only on this point, but upon other and perhaps more fundamental issues, I differ with my friend from Illinois.

I recommend that area redevelopment programs be financed out of appropriated funds, and not by back-door Treasury financing.

I recommend that Commerce is the logical Department to have the major responsibility for coordinating this program. Time will be saved in staffing, and its organization is geared to deal with problems of business and industry.

I recommend a maximum Federal loan participation of 50 percent, with the State, local government, and private sources sharing the matching 50 percent.

I recommend a revolving loan fund of $200 million—$100 million for industrial loans, $50 million for rural redevelopment, and $50 million for public-facility loans. This will provide a substantial basic program to stimulate local and community efforts.

Mr. President, I introduce for appropriate reference a bill, similar to the one I introduced in January 1959. Two revisions and one addition have been made in my new proposal.

First. A more workable unemployment criteria has been adopted. It is the same criteria approved by the Senate in 1959, and used in the administration's compromise bill of last August. It has the effect of concentrating industrial loans in areas of serious and long-term unemployment.

Second. Ten million dollars has been added for retraining subsistence. In the hard-hit areas of Pennsylvania, workers have been stranded due to technological changes, shifts in demand, and migrations of industry. With unemployment benefits exhausted, vocational training or retraining is beyond reach. Retraining subsistence will provide a new incentive.

Third. With an increase of from $3.5 to $4 million for technical assistance, my bill now calls for a total of $214 million.

I ask unanimous consent, Mr. President, to have inserted as part of my remarks, a more complete analysis and the text of the area redevelopment bill I have introduced.

The PRESIDENT pro tempore. The bill will be received and appropriately

referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 6) to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Area Redevelopment Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our communities are suffering substantial and persistent unemployment which causes hardship to many individuals and their families and detracts from the national welfare by wasting vital human resources; that to overcome this problem the Federal Government in cooperation with the States, should help areas of substantial and persistent unemployment to take effective steps in planning and financing their economic development; that Federal assistance should enable communities to achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies; and that new employment opportunities should be created rather than merely transferred from one community to another.

AREA ECONOMIC REDEVELOPMENT ADMINISTRATION

SEC. 3. To assist areas in the United States designated hereinafter as redevelopment areas, the Secretary of Commerce is authorized to take such action as may be necessary to carry out the provisions of this Act. To assist the Secretary of Commerce (hereinafter referred to as the "Secretary"), there is hereby established within the Department of Commerce an Area Economic Redevelopment Administration which shall be headed by an Administrator who shall be appointed by the Secretary and who shall receive compensation at a rate equal to that received by Assistant Secretaries of Commerce. The Administrator shall perform such duties in the execution of this Act as the Secretary may assign.

ADVISORY BOARD

SEC. 4. (a) To advise the Secretary in the performance of functions authorized by this Act, there is authorized to be created an Area Economic Redevelopment Advisory Board (hereinafter referred to as the "Board," which shall consist of the following members, all ex officio: The Secretary, as Chairman; the Secretaries of Agriculture; Health, Education, and Welfare; Labor; and Treasury; the Administrators of the Housing and Home Finance Agency and of the Small Business Administration. The Chairman may from time to time invite the participation of officials of other agencies of the executive branch interested in the functions herein authorized. Each member of the Board may designate an officer of his agency to act for him as a member of the Board with respect to any matter there considered.

(b) The Secretary shall appoint a National Public Advisory Committee on Area Redevelopment which shall consist of twenty-five members and which shall be composed of representatives of labor, management, agriculture, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(c) The Secretary is authorized from time to time to call together and confer with representatives of the various parties in interest from any industry in which employment has dropped substantially over an extended period of years and which in consequence has been a primary source of high levels of unemployment in several areas designated by the Secretary as redevelopment areas. Conferences convened under authority of this subsection shall consider with and recommend to the Secretary plans and programs with special reference to any such industry to carry out the purposes of this Act.

REDEVELOPMENT AREAS

SEC. 5. (a) The Secretary shall designate as "industrial redevelopment areas" those industrial areas within the United States in which he determines that there has existed substantial and persistent unemployment for an extended period of time. There shall be included among the areas so designated any industrial area—

(1) where the rate of unemployment, excluding unemployment due primarily to temporary or seasonal factors, is currently 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in (2) below; and

(2) where the annual average rate of unemployment has been at least—

(A) 50 per centum above the national average for three of the preceding four calendar years, or

(B) 75 per centum above the national average for two of the preceding three calendar years, or

(C) 100 per centum above the national average for one of the preceding two calendar years.

(b) The Secretary shall also designate as "rural redevelopment areas" those rural areas within the United States in which he determines that there exist the largest number and percentage of low-income families, and a condition of substantial and persistent unemployment or underemployment. In making the designations under this subsection, the Secretary shall consider, among other relevant factors, the number of low-income farm families in the various rural areas of the United States, the proportion that such low-income families are to the total farm families of each of such areas, the relationship of the income levels of the families in each such area to the general levels of income in the United States, the current and prospective employment opportunities in each such area, and the availability of manpower in each such area for supplemental employment.

(c) In making the determinations provided for in this section, the Secretary shall be guided, but not conclusively governed, by pertinent studies made, and information and data collected or compiled, by (1) departments, agencies, and instrumentalities of the Federal Government, (2) State and local governments, (3) universities and land-grant colleges, and (4) private organizations.

(d) Upon the request of the Secretary, the Secretary of Labor, the Secretary of Agriculture, and the Director of the Bureau of the Census are respectively authorized to conduct such special studies, obtain such information and compile and furnish to the Secretary such data as the Secretary may deem necessary or proper to enable him to make the determinations provided for in this section. The Secretary shall reimburse, out of any funds appropriated to carry out the purposes of this Act, the foregoing officers for any expenditures incurred by them under this section.

(e) As used in this Act, the term "redevelopment area" refers to any area within the United States which has been designated by the Secretary as an industrial redevelopment area or a rural redevelopment area, and may include one or more counties, or one or more municipalities, or a part of a county or municipality.

LOANS AND PARTICIPATION

SEC. 6. (a) The Secretary is authorized to purchase evidences of indebtedness and to make loans (including immediate participations therein) to aid in financing any project for the purchase or development of land and facilities for industrial usage, for the construction of new factory buildings, for rehabilitation of abandoned or unoccupied factory buildings, or for the alteration, conversion, or enlargement of any existing buildings for industrial use. Such financial assistance shall not be extended for working capital, for purchases of machinery or equipment, or to assist establishments relocating from one area to another when such assistance will result in substantial detriment to the area of original location by increasing unemployment.

(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

(1) The total amount of loans and loan participations (including purchased evidences of indebtedness) outstanding at any one time under this section (A) with respect to projects in industrial redevelopment areas shall not exceed $100,000,000, and (B) with respect to projects in rural redevelopment areas shall not exceed $50,000,000;

(2) Such assistance shall be extended only to applicants, both private and public, approved by the State (or any agency or instrumentality thereof concerned with problems of economic development) in which the project to be financed shall be located;

(3) No such assistance shall be extended hereunder unless the financial assistance applied for is not otherwise available from private lenders or other Federal agencies on reasonable terms;

(4) No loan shall be made unless it is determined that an immediate participation is not available;

(5) No evidences of indebtedness shall be purchased and no loans shall be made unless it is determined that there is a reasonable assurance of repayment;

(6) Subject to section 11(5) of this Act, no loan, including renewals or extension thereof may be made hereunder for a period exceeding thirty years and no evidences of indebtedness maturing more than thirty years from date of purchase may be purchased hereunder: *Provided,* That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor, or if extension or renewal for additional periods, not to exceed, however, a total of ten years, will aid in the orderly liquidation of such loan or of such evidence of indebtedness;

(7) Such assistance shall not exceed 50 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities, and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project and shall, among others, be on the following conditions:

(A) That other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

(B) That not less than 10 per centum of such aggregate cost be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or

area organization, as equity capital or as a loan repayable only after the financial assistance hereunder has been repaid in full according to the terms thereof and, if such loan is secured, its security shall be subordinate and inferior to the lien or liens securing the financial assistance hereunder; and

(C) That in making any loan under this section with respect to an industrial redevelopment area, the Secretary shall require that not less than 5 per centum of the aggregate cost of the project for which such loan is made shall be supplied by nongovernmental sources.

(8) No such assistance shall be extended unless there shall be submitted and approved by the Secretary an overall program for the economic development of the area and a finding by the State, or any agency, instrumentality, or local political subdivision thereof, that the project for which financial assistance is sought is consistent with such program: *Provided*, That nothing in this Act shall authorize financial assistance for any project prohibited by laws of the State or local political subdivision in which the project would be located.

(c) Of the funds authorized to be appropriated under section 8 of this Act, not more than $100,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section with respect to projects in industrial redevelopment areas, and not more than $50,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section with respect to projects in rural redevelopment areas.

LOANS FOR PUBLIC FACILITIES

SEC. 7. (a) Upon the application of any State, or political subdivision thereof, or private or public organization or association representing any redevelopment area or part thereof, the Secretary is authorized to make loans to assist in financing the purchase or development of land for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within any redevelopment area, if he finds that—

(1) the project for which financial assistance is sought will provide more than a temporary alleviation of unemployment or underemployment in the redevelopment area wherein such project is, or will be, located, and will tend to improve the opportunities in such area for the successful establishment or expansion of industrial or commercial plants or facilities;

(2) the funds requested for such project are not otherwise available on reasonable terms;

(3) the amount of the loan plus the amount of other available funds for such projects are adequate to insure the completion thereof; and

(4) there is a reasonable expectation of repayment.

(b) No loan under this section shall be for an amount in excess of 50 per centum of the aggregate cost of the project for which such loan is made. Subject to section 11 (5), the maturity date of any such loan shall be not later than thirty years after the date such loan is made.

(c) In making any loan under this section, the Secretary shall require that not less than 10 per centum of the aggregate cost of the project for which such loan is made shall be supplied by the State (including any political subdivision thereof) within which such project is to be located as equity capital, or as a loan repayable only after the financial assistance provided under this section has been repaid in full, and, if such loan is secured, its security shall be subordinate to the lien or liens securing the financial assistance provided under this section. In determining the amount of participation required under this subsection with respect to any particular project, the Secretary shall give consideration to the financial condition of the State or local government, and to the per capita income of the residents of the redevelopment area, within which such project is to be located.

(d) Of the funds authorized to be appropriated under section 8 of this Act, not more than $50,000,000 shall be deposited in a revolving fund which shall be used for the purpose of making loans under this section.

APPROPRIATION FOR LOANS

SEC. 8. There is hereby authorized to be appropriated not to exceed $200,000,000 to provide funds for loans under this Act.

INFORMATION

SEC. 9. The Secretary shall aid redevelopment areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which are obtainable from the various departments, agencies, and instrumentalities of the Federal Government and which would be useful in alleviating conditions of excessive unemployment or underemployment within such areas. The Secretary shall furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in redevelopment areas and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

TECHNICAL ASSISTANCE

SEC. 10. In carrying out his duties under this Act, the Secretary is authorized to provide technical assistance to areas which he has designated as redevelopment areas under this Act. Such assistance shall include studies evaluating the needs of, and development potentialities for, economic growth of such areas. Such assistance may be provided by the Secretary through members of his staff or through the employment of private individuals, partnerships, firms corporations, or suitable institutions, under contracts entered into for such purpose. Appropriations are hereby authorized for the purposes of this section in an amount not to exceed $4,000,000 annually.

POWERS OF SECRETARY

SEC. 11. In performing his duties under this Act, the Secretary is authorized to—

(1) adopt, alter, and use a seal, which shall be judicially noticed; and subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and define their authority and duties, provide bonds for them in such amounts as the Secretary shall determine, and pay the costs of qualification of certain of them as notaries public;

(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(4) under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans made under this Act, and collect or compromise all obligations assigned to or held by him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(5) further extend the maturity of or renew any loan made under this Act, beyond the periods stated in such loan or in this Act, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan;

(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to, or otherwise acquired by, him in connection with the payment of loans made under this Act;

(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made under this Act. This shall include authority to obtain deficiency judgments or otherwise as in the case of mortgages assigned to the Secretary. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of loans made under this Act if the premium therefor or the amount thereof does not exceed $1,000. The power to convey and to execute in the name of the Secretary deeds of conveyance, deed of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this Act may be exercised by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delegation of power or power of attorney;

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in sections 6 and 7 of this Act;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made under this Act;

(10) to such an extent as he finds necessary to carry out the provisions of this Act, procure the temporary (not in excess of six months) service of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil service and classifications law, and, except in the case of stenographic reporting services by organizations, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); any individual so employed may be compensated at a rate not in excess of $75 per diem, and, while such individual is away from his home or regular place of business, he may be allowed transportation and not to exceed $15 per diem in lieu of subsistence and other expenses; and

(11) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

TERMINATION OF ELIGIBILITY FOR FURTHER ASSISTANCE

SEC. 12. Whenever the Secretary shall determine that employment conditions within any area previously designated by him as a

redevelopment area have changed to such an extent that such area is no longer eligible for such designation under section 5 of this Act, no further assistance shall be granted under this Act with respect to such area and, for the purposes of this Act, such area shall not be considered a redevelopment area: *Provided,* That nothing contained herein shall (1) prevent any such area from again being designated a redevelopment area under section 5 of this Act if the Secretary determines it to be eligible under such section, or (2) affect the validity of any contracts or undertakings with respect to such area which were entered into pursuant to this Act prior to a determination by the Secretary that such area no longer qualifies as a redevelopment area. The Secretary shall keep the departments and agencies of the Federal Government, and interested State or local agencies, advised at all times of any changes made hereunder with respect to the designation of any area.

PROCUREMENT BY GOVERNMENTAL AGENCIES

SEC. 13. Each department, agency, or other instrumentality of the Federal Government engaged in the procurement of any supplies or services for use by or on behalf of the United States shall—

(1) use its best efforts to award negotiated procurement contracts to contractors located within redevelopment areas to the extent procurement objectives will permit;

(2) where deemed appropriate, set aside portions of procurements for negotiation exclusively with firms located in redevelopment areas, if a substantial proportion of production on such negotiated contracts will be performed within redevelopment areas and if such firms will contract for such portions of the procurement at prices no higher than those paid on the balance of such procurements;

(3) where deemed appropriate and consistent with procurement objectives, after the expiration of the period during which bids for any procurement are permitted to be submitted and if the lowest of such bids was submitted by a firm in an area other than a redevelopment area, negotiate with firms in redevelopment areas with a view to ascertaining whether any such firm will furnish the services or supplies with respect to which bids were theretofore submitted for an amount equal to, or less than, the amount of the lowest bid theretofore submitted for the furnishing of such services or supplies, and if such firm can be found, award the contract for the furnishing of such services or supplies to such firm;

(4) assure that firms in redevelopment areas which are on appropriate bidders' lists will be given the opportunity to submit bids or proposals on all procurements for which they are qualified and on which small business joint determinations have not been made, but whenever the number of firms on a bidders' list is exclusive, there shall be included a representative number of firms from redevelopment areas;

(5) in the event of tie bids on offers on any procurement, award the contract to the firm located in a redevelopment area, other things being equal;

(6) encourage prime contractors to award subcontracts to firms in redevelopment areas; and

(7) cooperate with other departments, agencies, and instrumentalities of the Federal Government in achieving the objectives set out in this subsection.

URBAN RENEWAL

SEC. 14. Title I of the Housing Act of 1949, as amended, is amended by adding at the end thereof the following new section:

"INDUSTRIAL REDEVELOPMENT AREAS UNDER THE AREA ECONOMIC REDEVELOPMENT ACT

"SEC. 113. (a) Whenever the Secretary of Commerce certifies to the Housing and Home Finance Administrator (1) that any county, city, or other municipality (in this section referred to as a 'municipality') is situated in an area designated under section 5(a) of the Area Redevelopment Act as an industrial redevelopment area, and (2) that there is a reasonable probability that with assistance provided under such Act and other undertakings the area will be able to achieve more than temporary improvement in its economic development, the Housing and Home Finance Administrator is authorized to provide financial assistance to a local public agency in any such municipality under this title and the provisions of this section.

"(b) The Housing and Home Finance Administrator may provide such financial assistance under this section without regard to the requirements or limitations of section 110(c) that the project area be clearly predominantly residential in character or that it be redeveloped for predominantly residential uses; but no such assistance shall be provided in any area if such Administrator determines that it will assist in relocating business operations from one area to another when such assistance will result in substantial detriment to the area of original location by increasing unemployment.

"(c) Financial assistance under this section may be provided for any project involving a project area including primarily industrial or commercial structure suitable for rehabilitation under the urban renewal plan for the area.

"(d) Notwithstanding any other provision of this title, a contract for financial assistance under this section may include provisions permitting the disposition of any land in the project area designated under the urban renewal plan for industrial or commercial uses to any public agency or nonprofit corporation for subsequent disposition as promptly as practicable by such public agency or corporation for the redevelopment of the land in accordance with the urban renewal plan: *Provided,* That any disposition of such land under this section shall be made at not less than its fair value for uses in accordance with the urban renewal plan: *And provided further,* That the purchasers from or lessees of such public agency or corporation, and their assignees, shall be required to assume the obligations imposed under section 105(b).

"(e) Following the execution of any contract for financial assistance under this section with respect to any project, the Housing and Home Finance Administrator may exercise the authority vested in him under this section for the completion of such project, notwithstanding any determination made after the execution of such contract that the area in which the project is located may no longer be an industrial redevelopment area under the Area Redevelopment Act.

"(f) Not more than 10 per centum of the funds authorized for loans under section 102 or for capital grants under section 103 shall be available to provide financial assistance under this section."

URBAN PLANNING GRANTS

SEC. 15. Paragraph (3) of section 701(a) of the Housing Act of 1954 is amended by inserting after "counties which" the following "(A) are situated in areas designated by the Secretary of Commerce under section 5(a) of the Area Redevelopment Act as industrial redevelopment areas, or (B)".

SEC. 16. (a) The Secretary of Labor, in consultation with the Secretary of Commerce, shall determine the vocational training or retraining needs of unemployed individuals residing in redevelopment areas and shall cooperate with the Secretary of Health, Education, and Welfare and with existing State and local agencies and officials in charge of existing programs relating to vocational training and retraining for the purpose of assuring that the facilities and services of such agencies are made fully available to such individuals.

(b) Whenever the Secretary of Labor finds that additional facilities or services are needed in the area to meet the vocational training or retraining needs of such individuals, he shall so advise the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare, through the Commissioner of Education, shall provide assistance, including financial assistance when necessary, to the appropriate State vocational educational agency in the provision of such additional facilities or services. If the Secretary of Health, Education, and Welfare finds that the State vocational educational agency is unable to provide the facilities and services needed, he may, after consultation with such agency, provide for the same by agreement or contract with public or private educational institutions: *Provided,* That the Secretary of Labor shall arrange to provide any necessary technical assistance for setting up apprenticeship, journeyman, and other job training needed in the locality.

RETRAINING SUBSISTENCE PAYMENTS

SEC. 17. (a) The Secretary of Labor in consultation with the Secretary of Commerce shall, on behalf of the United States, enter into agreements with States in which redevelopment areas are located, under which the Secretary of Labor shall make payments to such States for the purpose of enabling such States, as agents of the United States, to make weekly retraining payments to unemployed individuals residing within such redevelopment areas who are not entitled to unemployment compensation (either because their unemployment compensation benefits have been exhausted or because they were not insured for such compensation) and who have been certified by the Secretary of Labor to be undergoing vocational training or retraining under section 16 of this Act. Such payments shall be made only during the period the individual is receiving vocational training or retraining under section 16 of this Act, but not in any event to exceed sixteen weeks, and the amounts of such payments shall be equal to the amount of the average weekly unemployment compensation payment payable in the State making such payments.

(b) The Secretary of Labor and the Secretary of Commerce shall jointly prescribe such rules and regulations as they may deem necessary to carry out the provisions of this section.

(c) There are hereby authorized to be appropriated such sums, not in excess of $10,000,000, as may be necessary to carry out the provisions of this section.

PREVAILING RATE OF WAGE AND FORTY-HOUR WEEK

SEC. 18. The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects undertaken by public applicants assisted under this Act (1) shall be paid wages at rates no less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935 (Davis-Bacon Act), and (2) shall be employed not more than forty hours in any one week unless the employee receives wages for his employment in excess of the hours specified above at a rate not less than one and one-half times the regular rate at which he is employed.

PENALTIES

SEC. 19. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal,

deferment of action, or otherwise, or the acceptance, release, or substitution of security thereof, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this title, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(b) Whoever, being connected in any capacity with the Secretary (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or (2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Secretary makes any false entry in any book, report, or statement of or to the Secretary, or without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Secretary, or (4) gives any unauthorized information concerning any future action or plan of the Secretary which might affect the value of securities, or having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Secretary shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES

SEC. 20. No loan shall be made by the Secretary under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise (1) certify to the Secretary the names of any attorneys, agents, or other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Secretary for assistance of any sort, and the fees paid or to be paid to any such person; and (2) execute an agreement binding any such business enterprise for a period of two years after any assistance is rendered by the Secretary to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee of the Secretary occupying a position or engaging in activities with which the Secretary shall have determined involve discretion with respect to the granting of assistance under this Act.

ANNUAL REPORT

SEC. 21. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1962. Such report shall be printed, and shall be transmitted to the Congress not later than January 3, of the year following the fiscal year with respect to which such report is made. Such report shall show, among other things (1) the number and size of Government contracts for the furnishing of supplies and services placed with business firms located in redevelopment areas, and (2) the amount and duration of employment resulting from such contracts. Upon the request of the Secretary, the various departments and agencies of the Government engaged in the procurement of supplies and services shall furnish to the Secretary such information as may be necessary for the purposes of this section.

APPROPRIATION

SEC. 22. In addition to appropriations hereinbefore specifically authorized, there are further authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

USE OF OTHER FACILITIES

SEC. 23. (a) To avoid duplication of activities and minimize expense in carrying out the provisions of this Act, the Secretary shall, to the extent practicable and with their consent, use the available services and facilities of other agencies and instrumentalities of the Federal Government on a reimbursable basis.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act. This Act shall be supplemental to any existing authority, and nothing herein shall be deemed to be restrictive of any existing powers, duties, and functions of any other department or agency of the Federal Government.

RECORDS AND AUDITS

SEC. 24. (a) Each recipient of assistance under section 6 or 7 of this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under section 6 or 7 of this Act.

The analysis presented by Mr. SCOTT is as follows:

BRIEF ANALYSIS OF AREA REDEVELOPMENT BILL INTRODUCED BY SENATOR HUGH SCOTT

1. Authorizes appropriation of a total of $200 million for revolving fund loans: $100 million for industrial areas; $50 million for rural areas; and $50 million for public facilities.

2. Provides for maximum Federal loan participation of 50 percent; minimum State or local government participation of 10 percent; and minimum participation from nongovernmental sources of 5 percent.

3. Provides for loans over a period of 30 years.

4. Places program under Department of Commerce which has primary responsibility for business and industrial development. Administrator will have Assistant Secretary status.

5. Authorizes the Secretary of Commerce to determine realistic rates of interest on all loans.

6. Authorizes loans to industrial areas with the following unemployment levels: 6 percent at time of application and 6 percent average throughout qualifying period, and 50 percent above national average for 3 out of 4 preceding years; or, 75 percent above national average for 2 out of 3 preceding years; or, 100 percent above national average for 1 out of 2 preceding years. There are different criteria for rural areas and public facility loans.

7. Contains a special urban renewal section to permit Housing and Home Finance Agency to give financial assistance to urban renewal projects in municipalities, without regard to the predominantly residential requirements.

8. Contains Davis-Bacon Act provision to assure prevailing rate of wage and 40-hour week on contracts under area redevelopment.

9. Provides that vocational training or retaining needs of unemployed shall be made available through existing programs, under direction of Secretary of Health, Education, Welfare, and Secretary of Labor.

10. Authorizes appropriation of $10 million for retaining subsistence payments to unemployed individuals who have been certified for vocational training or retraining, and who have exhausted unemployment compensation benefits.

11. Authorizes appropriation of $4 million, annually, for technical assistance to redevelopment areas, for surveys and other evaluation studies.

12. Requires State or its instrumentality to establish local redevelopment plans.

13. Establishes a Cabinet-level Advisory Board and 25-member Public Advisory Committee.

FEDERAL GRANTS FOR SCHOOL CONSTRUCTION AND TEACHERS' SALARIES

Mr. MCNAMARA. Mr. President, on behalf of myself and my colleague, the junior Senator from Michigan [Mr. HART], I introduce and send to the desk, for appropriate reference, a bill to provide a program of Federal grants for school construction and teachers' salaries.

There are few legislative subjects that have commanded as much attention as has Federal assistance for our country's elementary and secondary schools. There appears to be agreement on both sides of the aisle in both Houses of Congress that the Federal Government must place its resources and prestige behind the fight for better schools. The question is, how should this be done?

The bill that I introduce is in all respects a duplicate of S. 8, the measure which passed the Senate in 1960. It provides Federal grants to each State, to be used as each State decides either for construction or salaries or for a combination of both. The average grant across the Nation would be equal to $20 per school-age child. Each State's per pupil grant would vary, since the money is to be allocated on a formula which relates the State's per capita wealth to the per capita wealth of the Nation.

The same imperative facts which caused the Senate to pass this bill last year are still with us. All too many of our children receive their education in buildings that are overcrowded, underlighted, poorly ventilated, and lacking in minimum sanitary facilities. The most recent figures of the Department of Health, Education, and Welfare demonstrate that we still have a shortage of more than 130,000 classrooms.

The salaries that are paid to the majority of the Nation's teachers are still inadequate to attract the gifted people we need in the profession.

The latest estimate of the National Education Association shows that the average salary for teachers in the school year 1960–61 will be slightly above $5,000 a year. The average beginning salary for teachers is clearly far below that amount. We can never expect to recruit the talent we must have in the teaching profession when the beginning salaries

do not match even factory wages, not to mention professional salary rates.

The establishment of a Federal school-assistance program has been a goal of mine since I first came to the Senate. I introduced my first general school-aid bill in 1957; and the passage of S. 8 last year was a good omen for the final adoption of such a program.

I offer my bill this year as a continued expression of my deep concern for our schools and as a starting point for what I trust will be the Senate's passage of a Federal education program.

I ask unanimous consent that an analysis of the bill be printed at the conclusion of my remarks.

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

The bill (S. 8) to authorize Federal financial assistance for school construction and teachers' salaries, introduced by Mr. MCNAMARA (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The analysis presented by Mr. MCNAMARA is as follows:

ANALYSIS OF S. 8

SECTION 1—SHORT TITLE

This section provides that it may be cited as the "School Construction Act of 1961."

SECTION 2—DECLARATION OF PURPOSE

This section declares that it is the purpose of the bill to provide for a 2-year program of Federal grants to the States to assist them in constructing urgently needed public elementary and secondary school facilities in local communities and for teachers' salaries.

SECTION 3—ASSURANCE AGAINST FEDERAL INTERFERENCE IN SCHOOLS

This section provides that in the administration of the act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, program of instruction, or the administration or operation of any school or school system.

SECTION 4—APPROPRIATIONS AUTHORIZED

This section authorizes annual appropriations of an amount equal to $20 times a number equal to the school age population of the United States, as defined in sec. 5(b)(4).

SECTION 5—ALLOTMENTS AND PAYMENTS TO STATES

Subsection (a) provides that the funds appropriated in any year would be allotted among the States on the basis of relative school-age population as weighted by relative income per school-age child. These allotments would be subject to the effort for school purposes of the respective State (effort index) after the first year of the program.

The U.S. Commissioner of Education would allot to each State an amount which bears the same ratio to the funds appropriated for the year as the product of (1) the State's school-age population multiplied by (2) the State's allotment ratio, bears to the sum of the corresponding products for all the States.

Subsection (b) provides the definitions of the terms used in subsection (a). A State's allotment ratio would vary inversely with the ratio which exists between the income per child of school age for the State and the income per child of school age for all the States, with the ratio for a State at the national average being 0.50. In no case would an allotment ratio for a State be less than 0.25 or more than 0.75. The allotment ratio for Puerto Rico, Guam, and the Virgin Islands would be set at 0.75.

The income per child of school age for any State would be the total personal income for the State divided by the number of school-age children in the State. The income per child of school age for all the States would be similarly computed. Puerto Rico, Guam, and the Virgin Islands would be excluded from these computations inasmuch as their allotment ratios are specified.

Subsection (c) provides that as soon as possible after appropriated amounts are available for payment the Commissioner shall pay each State which has submitted a proper application the amount allotted to it subject to any adjustments or reallotments made under the effort index provided for in section 6.

SECTION 6—MAINTENANCE OF STATE AND LOCAL SUPPORT FOR SCHOOL FINANCING (EFFORT INDEX)

This section provides that for the second year of the program, the allotment of any State would be reduced by the percentage (if any) that the State's school-effort index is less than the national school-effort index. The total of the reductions would be reapportioned among the States not subject to such reductions by increasing proportionately the sum of the amounts originally apportioned to them for the year.

The State index would be deemed equal to the national index in the case of (1) Puerto Rico, the Virgin Islands, Guam, and the District of Columbia and (2) any State whose expenditures per public school child in average daily attendance were not less than those for all the States.

A State's school-effort index would be determined on the basis of the ratio of school expenditures per public schoolchild in average daily attendance to the State's income per child of school age. The national school-effort index would be based on comparable figures for all the States (excluding Puerto Rico, the Virgin Islands, and the District of Columbia).

The school expenditures are expenditures by the States and subdivisions for elementary and secondary education made from funds derived from State and local sources as determined by the Commissioner of Education for the most recent school year for which satisfactory data from the States are available to him. The number of children in average daily attendance would be similarly determined.

The income per child of school age for any State and for all the States (mentioned above) would be determined on the basis of data for the most recent year for which satisfactory data are available from the Department of Commerce.

SECTION 7—STATE APPLICATIONS

A State education agency which desires to receive an allotment and payment under this program must submit to the Commissioner of Education an application which (a) provides assurance that the State education agency will be the sole administering agency for the funds received; (b) sets forth procedures to insure that funds will be allocated among projects within the States so that priority is given to local education agencies, which, in the judgment of the State education agency, have the greatest need for additional school facilities and which are least able to finance the cost of needed school facilities; (c) provides assurance that every applicant whose application for funds is denied will be given an opportunity for a hearing before the State education agency; (d) sets forth procedures for such fiscal control as may be necessary to assure proper distribution of funds under this act.

When a State agency has exclusive responsibility for the financing of the construction of schools, the Commissioner may modify or make inapplicable the provisions of this section to the extent he deems such action appropriate because of such special governmental and school organization of the State.

SECTION 8—MATCHING BY STATES AND LOCAL COMMUNITIES

Subsection (a) provides that in the second year of the act, a State in order to receive its second year grant, must have increased its own expenditures by an amount not less than the product of (a) the State's share and (b) the expenditures of the State and local communities in the base school year of 1960–61. The subsection further provides that a State's second year grant will be reduced by the amount which the State fails to match the prescribed amount, and provides that such reduction shall be reallotted among the remaining States.

Subsection (b) defines the "State's share" as 5 percent of the remainder of $1 less that State's allotment ratio (sec. 5) except that in no case shall the ratio be less than 0.33⅓ or more than 0.66⅔.

Subsection (c) defines "expenditures for elementary and secondary education."

Subsection (d) provides that a State shall be considered to have matched its Federal funds in any year in which its school-age population is less than its school-age population in the base school year 1960–61.

Subsection (e) provides that if a State should fail to receive funds under this act in any given year, for the purposes of the matching provisions, the State will be considered to have received Federal funds under this act in that year.

SECTION 9—PERIOD FOR USE OF FUNDS AND CERTIFICATION BY STATES

Subsection (a) provides that when funds are received under this act by the State they shall be deemed to be State funds to be distributed and expended not later than the end of the following fiscal year.

Subsection (b) provides that prior to the termination of such following fiscal year each State education agency receiving funds under this program is to (1) certify to the Commissioner the amount of such funds received which have been so distributed and expended, and (2) pay to him any amount of these funds which have not been so expended.

Subsection (c) provides that any funds paid back to the Commissioner shall be reallotted during the next fiscal year.

SECTION 10—LABOR STANDARDS

A State education agency must give adequate assurance to the Commissioner that all laborers and mechanics employed by contractors or subcontractors who work on school construction financed under this act will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Davis-Bacon Act.

In respect to labor standards for the performance of work as specified above the Secretary of Labor shall act in accord with Reorganization Plan No. 14 of 1950 and section 2 of the act of June 13, 1954.

SECTION 11—DEFINITIONS

This section defines the terms "Commissioner," "State," "State education agency," "local education agency," "school facilities," "construct," "constructing," and "construction."

The term "State" includes Puerto Rico, Guam, the Virgin Islands, and the District of Columbia, unless otherwise designated in the act.

The term "school facilities" is defined so that Federal assistance would be used to provide classrooms and related facilities for education in a State which is provided by a school district for elementary or secondary

education at public expense and under public supervision and direction. This includes furniture, equipment, machinery, utilities, and instructional materials (other than textbooks). The term "instructional materials" would include, among other things, audiovisual equipment, films, film strips, and reference works for school libraries. It also includes interests in land including site, grading, and improvement. It does not include, however, athletic stadiums, or structures, or facilities intended primarily for events for which admission is to be charged.

The terms "construct," "constructing," and "construction" include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

The term "teacher" means any member of the instructional staff of a public elementary or secondary school as defined by the State education agency of each State.

The term "teachers' salaries" means the monetary compensation paid to teachers for services rendered in connection with their employment.

AID TO DISTRESSED AREAS

Mr. DIRKSEN. Mr. President, I introduce for appropriate reference a bill to aid distressed areas.

In the 2d session of the 86th Congress, on May 18, 1960, 5 days after the President vetoed Senate 722, I and five of my Republican colleagues introduced Senate bill 3569, which provided for an outlay of $180 million, including $100 million in public facility loans. Senate bill 722 had called for an outlay, in one form or another, of about $389 million. Senate bill 722 passed the Senate by a vote of 49 to 46 in 1959. That means that it secured a majority of only 3 votes out of a total of 95 votes. In amended form it passed the House on May 4, 1960, by a vote of 202 to 184. This was a majority of only 18 votes out of a total of 386 votes. On May 6, 1960, the Senate voted 45 to 32 to accept the House amendments. On May 13 this measure was vetoed. The veto message languished for 6 weeks and then was called up for consideration. The veto was sustained on June 24 in the Senate by a vote of 45 to 39.

Two months later, on August 18, 1960, a 1-day hearing was held by the Subcommittee on Production and Stabilization of the Senate Banking and Currency Committee. The subcommittee consists of nine members. The hearing was spirited, but fruitless. It recessed at 4:30 p.m. on August 18.

Senate bill 3569, which I had introduced, was before the subcommittee at that time, and with it there was the appeal of the President in his veto message for legislation in this field. I deem it of such importance that I shall include the entire veto message in this statement.

The key expression in the veto message is found in paragraph VI:

> My profound hope is that sound, new legislation will be promptly enacted.

But a majority of the subcommittee thought otherwise, and hence the Presidential entreaty was ignored. I believe it was fair and reasonable, therefore, to assume that the Democrat majority actually preferred an issue to some accomplishment in this field. But the problem and the challenge which the administration has recognized for more than 5 years is like the little man on the stair, and will not go away.

Certain it is, judging from campaign and possible campaign statements, that this matter is scheduled for early congressional action. To this end we have reconsidered Senate bill 3569 and the other legislative proposals dealing with this problem and we now introduce a bill which we regard as a sound, fair, and effective approach.

This bill embodies the basic provisions of S. 3569. It provides for an outlay of $180 million, but in this bill all of this outlay will go for the aid of distressed areas and assistance in developing the economic growth potential of this country.

This bill is based on the philosophy that the Federal Government, with all of its many complexities, should not step willy-nilly into our economy, but should deal only in areas where people want to help themselves but have problems too large for solution on the local level without assistance.

This bill does not hold out illusory promises of aid for depressed areas which have been bereft of their economic well-being by the circumstances of time and change. These areas would get no aid under those proposals which require redevelopment on the spot, because of the requirement that before any aid can be given there must be reasonable assurance that the aid can be paid back. What if the coal is gone and the whole population cannot be supported by new industry? Are those areas to be left without aid because the aid must be on the spot and must pay out? Any assistance program must be made broader and more flexible if it is to solve the problem. The solution must not be restricted to a particular area. To do so may be to create not permanent improvement of opportunity, but a permanent dole.

On November 28 there appeared in Time magazine a well-rounded article on this subject with emphasis on this thesis:

> Government aid, if it is forthcoming, will not work without the will of a city to revitalize itself.

I believe this article merits inclusion in this statement.

The bill contains another significant feature. Because it is a bill to authorize the appropriations of Federal funds to provide greater employment opportunities, it also requires that such funds shall not be used where restrictive work practices exist. Those who seek Federal assistance should be ready to permit everyone to do a fair day's work and those who seek to provide Federal assistance should stand ready to require that everyone does a fair day's work.

It is to be assumed that this whole problem of distressed area assistance will have further consideration by the committee, and I trust the solution embodied in the bill which I introduced for myself and my colleagues will command favorable consideration by the committee.

The testimony of the Secretary of Commerce, Frederick Mueller, on August 18, is so much to the point that it deserves a place in these remarks in order to round out the whole story, and I request consent to have this testimony, the Time article, and the President's veto message made a part of my remarks.

Mr. President, this is the whole story, and this can then become, I think, for every Member of the Senate, if he so desires, a reference piece that he can clip and put in his notebook, because I was very careful and made sure that the dates of the rollcalls and the vote on the veto measure were quite correct.

I ask that the bill be permitted to lie on the desk for the next 2 days for such Members of the Senate as may want to cosponsor the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statements will be printed in the RECORD; and the bill will lie on the desk as requested.

The bill (S. 9) to assist areas to develop and maintain stable and diversified economies and create new employment opportunities, and for other purposes, introduced by Mr. DIRKSEN (for himself and other Senators) was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Area Assistance Act of 1961."

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that, even during periods of prosperity for the Nation as a whole, some of our communities suffer substantial and persistent unemployment; that such unemployment causes hardship to many individuals and their families and detracts from the national welfare by wasting vital human resources and that the Federal Government, in cooperation with the States, should take effective steps to reduce the substantial and persistent unemployment in such areas by the establishment of stable and diversified local economies and the creation of new employment opportunities.

AUTHORITY OF SECRETARY OF COMMERCE

SEC. 101. (a) The Secretary of Commerce, hereinafter referred to as the Secretary, may designate as an area of substantial and persistent unemployment any area certified as eligible for such designation by the Secretary of Labor.

(b) To assist in reducing substantial and persistent unemployment in such areas in the United States so designated the Secretary is authorized—

(1) to make grants for technical assistance in accordance with the provisions of section 106 of this Act; and

(2) to provide loans in accordance with the provisions of section 107 of this Act.

(c) The Secretary is also authorized to extend the full cooperation of the Federal Government—

(1) through technical advice and consultation and, when necessary, through the conduct of special studies to all areas in the United States to promote the more effective use of local resources, the establishment of new industries based on local resources, and to expand existing industries.

(2) through grants made in accordance with the provisions of section 106 of this Act, to towns predominantly dependent on one industry and to rural areas to help them to develop manufacturing, processing, and other activities calculated to diversify and improve their economies.

(d) The Secretary shall coordinate his functions under this Act with those of the Secretary of Agriculture and other officials administering Federal programs affecting local economic conditions.

(e) The Secretary shall not provide any assistance under this section if it is reasonable to believe that any persons who will benefit, directly or indirectly, from such assistance engage in, urge, seek or promote any restrictive work practices.

(f) As used in this Act—

(1) The term "United States" includes the several States, the District of Columbia and Puerto Rico.

(2) The term "State" refers to an individual State, the District of Columbia or Puerto Rico; and

(3) The term "loan" includes loans, immediate participation in loans, and purchase of evidences of indebtedness.

(4) The term "restrictive work practices" includes failing or refusing to perform any work in an efficient and economical manner and requirements that unnecessary work be performed or unnecessary positions of employment created or continued.

AUTHORITY OF SECRETARY OF LABOR

SEC. 102. (a) The Secretary of Labor shall from time to time, or upon the request of the Secretary, or any appropriate State agency or political subdivision, certify areas as eligible for designation as areas of substantial and persistent unemployment whenever he finds, on the basis of available labor force data or studies, that—

(1) the current rate of unemployment in the area, excluding unemployment due primarily to temporary or seasonal factors, is 6 per centum and

(2) the annual average rate of unemployment in the area has been at least—

(A) 6 per centum for the period set out in the applicable provision of subsection (B) and

(B) (i) 50 per centum above the national average for three of the preceding four calendar years, or

(ii) 75 per centum above the national average of two of the preceding three calendar years, or

(iii) 100 per centum above the national average for one of the preceding two calendar years.

(b) The Secretary of Labor is authorized, whenever he determines that such studies are needed, to undertake, or to provide assistance to others in the preparation of, studies of the size, characteristics, skills, adaptability, occupational potentialities, and related aspects of the labor force of an area necessary to determine whether such area should be certified under this section.

(c) When the labor force in an area designated under section 101 is not utilizing its full human resources and skills, the Secretary of Labor is authorized to provide advice and technical assistance in developing and carrying out a program to improve such utilization by the labor force.

(d) Whenever the Secretary of Labor finds a need for vocational education services in an area designated under section 101 and when such area has an economic development program as provided in section 107(b)(5), he is authorized to assist interested agencies to determine the vocational training needs of unemployed individuals residing in the area, and he shall notify the Secretary of Health, Education, and Welfare of the vocational training or retraining requirements of the area. The Secretary of Health, Education, and Welfare, through the Commissioner of Education, is authorized to assist the State vocational education agency in providing such services in the area. There is hereby authorized to be appropriated not to exceed $1,500,000 annually for the purpose of providing, when necessary and appropriate, financial assistance under this subsection.

AUTHORITY OF HOUSING AND HOME FINANCE ADMINISTRATOR

SEC. 103. Title I of the Housing Act of 1949, as amended, is amended by adding the following new heading and section at the end of title I:

"AREAS OF SUBSTANTIAL AND PERSISTENT UNEMPLOYMENT

"SEC. 113. (a) When the Secretary of Commerce certifies to the Administrator (1) that any county, city, or other municipality (all hereafter referred to as 'municipality' in this section) is situated in an area designated by the Secretary of Commerce pursuant to the Area Assistance Act of 1961 as an area of substantial and persistent unemployment, and (2) that there is a reasonable probability that with assistance provided under the Area Assistance Act of 1961 and other undertakings the area will be able to achieve lasting improvement in its economic development, the Administrator is authorized to extend financial assistance to a local public agency in any such municipality under this title and the provisions of this section.

"(b) The Administrator may provide such financial assistance under this section without regard to the requirements or limitations of section 110(c) of this title that the project area clearly be predominantly residential in character or become predominantly residential under the urban renewal plan.

"(c) Financial assistance under this section may be provided for any project involving a project area including primarily industrial or commercial structures suitable for rehabilitation under the urban renewal plan for the area.

"(d) Notwithstanding any other provisions of this title, a contract for financial assistance under this section may include provisions permitting the disposal of any land in the project area designated under the urban renewal plan for industrial or commercial uses to any public agency or nonprofit corporation for subsequent disposition as promptly as practicable by such public agency or corporation for the redevelopment of the land in accordance with the urban renewal plan: *Provided,* That any disposal of such land to such public agency or corporation under this section shall be made at not less than its fair value for uses in accordance with the urban renewal plan: *And provided further,* That the purchaser from or lessees of such public agency or corporation, and their assignees, shall be required to assume the obligations imposed in conformity with the requirements of section 105(b) hereof.

"(e) After any contract for financial assistance under this section has been executed with respect to any project, the Administrator may complete such project notwithstanding any subsequent determination that the area in which the project is located is no longer an area of substantial and persistent unemployment.

"(f) Not more than 10 per centum of the funds authorized for capital grants under section 103 after June 30, 1960, shall be available to provide financial assistance under this section."

SEC. 104. (a) The first sentence of section 202(c) of title II of the Housing Amendments of 1955 is amended to read as follows:

"(c) In processing applications for financial assistance under this section, the Administrator shall give (1) priority to applications of counties, cities, and other municipalities and political subdivisions for financing needed public facilities in areas determined to be areas of substantial and persistent unemployment under the Area Assistance Act of 1961: *Provided,* That the Secretary of Commerce certifies there is reasonable probability that with assistance made available under the Area Assistance Act of 1961 and other undertakings such areas will be able to achieve lasting improvement in their economic development; and (2) a first priority above all others to applications for financing needed public facilities in connection with, and that will directly serve, a project eligible under section 107 of the Area Assistance Act of 1961."

(b) The first sentence of section 203(a) of title II of the Housing Amendments of 1955 is amended to read as follows:

"(a) In order to finance activities under this title, the Administrator is authorized and empowered to issue from time to time to the Secretary of the Treasury notes and other obligations in an amount outstanding at any one time not to exceed $100,000,000, provided that such limit shall be increased by such amounts, not exceeding an aggregate of $100,000,000, as may be specified from time to time in appropriation Acts."

URBAN PLANNING GRANTS

SEC. 105. Paragraph (3) of section 701(a) of the Housing Act of 1954 is amended by inserting after "Cities, other municipalities, and counties which" the following: "(A) are situated in areas designated as areas of substantial and persistent unemployment under section 101(a) of the Area Assistance Act of 1961, or (B)."

GRANTS FOR TECHNICAL ASSISTANCE

SEC. 106. The grants for technical assistance which the Secretary is authorized to make by sections 101(b)(1) and 101(c)(2), may include grants for studies to determine the needs of the areas designated under section 101(a) for the development of their economic growth potential. These grants may be made without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529). Appropriations are hereby authorized for these grants in an amount not to exceed $3,500,000 annually. To the extent he may deem reasonable, taking into account the financial ability of the grantee and other relevant considerations, the Secretary shall obtain from the grantee contributions to the costs of projects undertaken under section 101(c)(2).

LOANS

SEC. 107. (a) In carrying out section 101(b)(2) of this Act the Secretary is authorized to purchase evidences of indebtedness and to make or participate in loans to aid in financing any project within an area of substantial and persistent unemployment for the purchase or development of land and facilities for industrial usage, and for the construction, rehabilitation, alteration, conversion, or enlargement of buildings for industrial use. Such financial assistance shall not be used for working capital, for the purchase of machinery or equipment, or to assist establishments relocating from one area to another.

(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

(1) The total amount of loans and loan participations (including purchased evidences of indebtedness) outstanding at any one time under this section shall not exceed $75,000,000;

(2) Such assistance shall be extended only to applicants, whether private or public, approved by the State (or any agency or instrumentality thereof concerned with problems of economic development) in which the project to be financed shall be located;

(3) No loan, including renewals or extensions thereof, made hereunder may have a term exceeding thirty years and no evidences

of indebtedness maturing more than thirty years from date of purchase may be purchased hereunder: *Provided*, That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor or to extensions or renewals for additional periods not to exceed a total of ten years, if such extensions or renewals will aid in the orderly liquidation of such loans or of such evidence of indebtedness;

(4) Each loan shall bear interest at a rate one-half of 1 per centum higher than the rate currently payable under section 108(e) on advances from the Treasury.

(5)(A) Not less than 15 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities, and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project shall be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization, as equity capital or as a loan repayable only after the financial assistance hereunder has been repaid in full according to its terms and any security for any such loan shall be subordinate and inferior to the lien or liens securing the financial assistance hereunder;

(B) Not more than 35 per centum of such aggregate cost to the applicant may be loaned by the Secretary under the terms of this Act and security for such a loan may be subordinate and inferior to the lien or liens which secure any loan or financing other than funds required by section 107(b)(5)(A).

(C) No loans shall be made hereunder unless other funds are available in an amount which, together with assistance provided hereunder and funds required by section 107(b)(5)(A), shall be sufficient to pay such aggregate cost; and

(6) The Secretary first shall find that—

(A) It is reasonable to believe that the project for which financial assistance is sought will provide more than a temporary alleviation of unemployment or underemployment in the area of substantial and persistent unemployment in which it is, or will be, located;

(B) The financial assistance applied for is not otherwise available from private lenders or other Federal agencies on reasonable terms;

(C) A participation loan cannot be arranged;

(D) There is a reasonable assurance of repayment;

(E) The project for which financial assistance is sought is consistent with an overall program approved by the Secretary for the economic development of the area and a finding to that effect has been made by the State, or any agency, instrumentality, or local political subdivision thereof.

(7) That nothing in this Act shall authorize financial assistance for any project prohibited by laws of the State or local political subdivision in which the project would be located.

AREA ASSISTANCE FUND

SEC. 108. (a) There is hereby authorized to be established in the Treasury of the United States a revolving fund to be known as the Area Assistance Fund (hereinafter referred to as the "fund"), which shall be available to the Secretary for the payment of all obligations and expenses in connection with the loans authorized under section 101(b)(2).

(b) When requested by the Secretary, advances shall be made to the fund from the appropriations made therefor. There is hereby authorized to be appropriated for the purpose of making advances to the fund, without fiscal year limitation, an amount not to exceed $75,000,000.

(c) Receipts arising from the loan program shall be credited to the fund.

(d) Any moneys in the fund determined by the Secretary to be in excess of current needs shall be credited to the appropriation from which advanced to be held for future advances to the fund.

(e) There shall be paid into miscellaneous receipts of the Treasury at the close of each fiscal year interest on advances to the fund at rates which shall be determined at the time the advances or commitments for advances are made, by the Secretary of the Treasury who shall take into consideration the current average market yields to maturity of outstanding marketable obligations of the United States having maturities comparable to loans made by the Secretary from such fund.

(f) Contributions shall be made from the fund to the civil service retirement and disability fund, in amounts determined annually by the Civil Service Commission, for the Government's share of the cost of the civil service retirement system applicable to employees (and their beneficiaries) performing activities authorized under section 101(b)(2). Contributions shall also be made to the employee's compensation fund, in amounts determined annually by the Secretary of Labor, for benefit payments made from such fund on account of employees performing activities authorized under section 101(b)(2). Such determinations shall include the fair portion of the cost of the administration of the respective funds, which shall be paid by the Secretary into the Treasury as miscellaneous receipts.

TERMINATION OF ELIGIBILITY FOR FURTHER ASSISTANCE

SEC. 109. Whenever the Secretary shall determine that employment conditions within any area previously designated by him as an area of substantial and persistent unemployment have changed to such an extent that such area is no longer eligible for such designation under section 101(a) of this Act, no further assistance shall be granted under this Act, with respect to such area and, for the purposes of this Act, such area shall not be considered an area of substantial and persistent unemployment: *Provided*, That nothing contained herein shall—

(a) prevent any such area from again being designated an area of substantial and persistent unemployment under section 101(a) of this Act if the Secretary determines it to be eligible under such section, or

(b) affect the validity of any contracts or undertakings with respect to such area which were entered into pursuant to this Act prior to a determination by the Secretary that such area no longer qualifies as an area of substantial and persistent unemployment. The Secretary shall keep the departments and agencies of the Federal Government, and interested State or local agencies, advised at all times of any changes made hereunder with respect to the designation of any area.

BUDGET AND AUDIT

SEC. 110. In the performance of and with respect to the functions, powers, and duties, vested in him by section 107 of this Act, the Secretary shall—

(a) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended; and

(b) maintain a set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act, as amended, and no other audit shall be required: *Provided*, That the Secretary with respect to the program of financial assistance authorized by section 101(b)(2) shall determine the character of and the necessity for obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

AREA ASSISTANCE ADMINISTRATOR

SEC. 111. There shall be appointed by the President by and with the advice and consent of the Senate an Area Assistance Administrator in the Department of Commerce who shall receive compensation at a rate equal to that received by Assistant Secretaries of Commerce. The Administrator shall perform such duties in the execution of this Act as the Secretary may assign.

POWERS

SEC. 112. In the performance of, and with respect to the functions, powers, and duties vested in him under this Act, the Secretary or his delegate may—

(a) adopt, alter, and use a seal, which shall be judicially noticed; and subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and define their authority and duties;

(b) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(c) under such regulations as he may prescribe, make such findings and determinations as may be required for the proper administration of this Act and such findings and determinations, together with those required to be made by the Secretary of Labor pursuant to section 102, hereof, shall be final and shall not be subject to review in any court by mandamus or otherwise: *Provided*, That with respect to the validity, effect, and enforcement of section 101(b)(2) hereof or security taken thereunder, statutes, rules, and regulations pertaining generally to suits by and against the United States shall be applicable;

(d) under regulations prescribed by him, assign or sell with or without notice at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any contract, claim, personal property, security or evidence of debt assigned to or held by him in connection with the payment of loans made under this title, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such loans until such time as such obligation may be referred to the Attorney General for suit or collection;

(e) deal with, complete, renovate, improve, modernize, insure, rent, or sell upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real property conveyed to or otherwise acquired by him in connection with the payment of loans granted under this title;

(f) pursue to final collection by way of compromise or other administrative action prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made by him. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by him as a result of loans made under this title if the premium therefor or the amount thereof does not exceed $1,000. The power to convey and to execute in the name of the Secretary deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein acquired by the Secretary pursuant to the

provisions of this title may be exercised by the Secretary or by any officer or agent appointed by him for the purpose;

(g) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in section 101(b)(2) of this Act; and

(h) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or securities acquired under the provisions of this title: *Provided*, That no attorney's services shall be produced by contract if an attorney or attorneys can be economically employed full time to render such service.

ADVISORY BOARD

SEC. 113. To advise the Secretary in the performance of functions authorized by this Act, there is authorized to be created an Area Assistance Advisory Board, hereinafter referred to as the "Board", which shall consist of the following members, all ex officio: The Secretary, as Chairman, the Secretaries of Agriculture, Health, Education, and Welfare, Labor, and Treasury, the Administrators of the Housing and Home Finance Agency and of the Small Business Administration. The Chairman may from time to time invite officials of other agencies of the executive branch interested in the functions herein authorized to participate in the activities of the Board. Each member of the Board may designate an officer of his agency to act for him as a member of the Board with respect to any matter there considered.

DEPOSITARIES AND AGENTS

SEC. 114. The Federal Reserve banks are authorized and directed to act as custodians and fiscal agents for the Secretary in the general performance of the powers conferred by this title. Each Federal Reserve bank shall be entitled to be reimbursed for all expenses incurred as such fiscal agent. Any banks insured by the Federal Deposit Insurance Corporation, when designated by the Secretary of the Treasury, may act as custodians and depositaries for the Secretary.

PENALTIES

SEC. 115. With respect to financial assistance authorized by this Act:

(a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(b) Whoever, being connected in any capacity with the Secretary—

(1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or

(2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Secretary makes any false entry in any book, report, or statement of or to the Secretary, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft bill of exchange, mortgage, judgment, or decree thereof, or

(3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Secretary, or

(4) gives any unauthorized information concerning any future action or plan of the Secretary which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Secretary shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(c) As used in this section, the term "Secretary" shall mean, with respect to the lending activities of the Housing and Home Finance Administrator authorized under this Act, the Housing and Home Finance Administrator.

USE OF OTHER FACILITIES

SEC. 116. (a) To avoid duplication of activities and minimize expense in carrying out the provisions of this Act, the Secretary shall to the extent practicable and with their consent use the available services and facilities of other agencies and instrumentalities of the Federal Government on a reimbursable basis.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act. This Act shall be supplemental to any existing authority and nothing herein shall be deemed to be restrictive of any existing powers, duties, and functions of any other department or agency of the Federal Government.

CONSULTANTS

SEC. 117. The Secretary is authorized to obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55(a)), at rates not to exceed $75 per diem for individuals.

ANNUAL REPORT

SEC. 118. As soon as practicable in each year, but in no case later than the third day of the following January the Secretary shall make a comprehensive annual report of his operations under this Act for the fiscal year ending on the preceding June 30, to the President for transmission to the Congress.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 119. In addition to appropriations specifically authorized by sections 106 and 108, appropriations are further authorized for the carrying out of other provisions and purposes of this Act.

The matters presented by Mr. DIRKSEN are as follows:

VETO MESSAGE—AREA REDEVELOPMENT ACT, S. 722, 86TH CONGRESS, 2D SESSION

To the Senate of the United States:

I return herewith, without my approval, S. 722, the area redevelopment bill.

For 5 consecutive years I have urged the Congress to enact sound area assistance legislation. On repeated occasions I have clearly outlined standards for the kind of program that is needed and that I would gladly approve.

In 1958 I vetoed a bill because it departed greatly from those standards. In 1959, despite my renewed urging, no area assistance bill was passed by the Congress.

Now in 1960, another election year, a new bill is before me that contains certain features which I find even more objectionable than those I found unacceptable in the 1958 bill.

The people of the relatively few communities of chronic unemployment—who want to share in the general prosperity—are, after 5 years, properly becoming increasingly impatient and are rightfully desirous of constructive action. The need is for truly sound and helpful legislation on which the Congress and the Executive can agree. There is still time and I willingly pledge once again my wholehearted cooperation in obtaining such a law.

S. 722 is seriously defective in six major respects which are summarized immediately below and discussed in detail thereafter.

1. S. 722 would squander the Federal taxpayers' money where there is only temporary economic difficulty, curable without the special Federal assistance provided in the bill. In consequence, communities in genuine need would receive less Federal help for industrial development projects than under the administration's proposal.

2. Essential local, State, and private initiative would be materially inhibited by the excessive Federal participation that S. 722 would authorize.

3. Federal financing of plant machinery and equipment is unwise and unnecessary and therefore wasteful of money that otherwise could be of real help.

4. The Federal loan assistance which S. 722 would provide for the construction of sewers, water mains, access roads, and other public facilities is unnecessary because such assistance is already available under an existing Government program. Outright grants for such a purpose, a provision of S. 722, are wholly inappropriate.

5. The provisions for Federal loans for the construction of industrial buildings in rural areas are incongruous and unnecessary.

6. The creation of a new Federal agency is not needed and would actually delay initiation of the new program for many months.

I

The most striking defect of S. 722 is that it would make eligible for Federal assistance areas that don't need it—thus providing less help for communities in genuine need than would the administration's proposal. S. 722, as opposed to the administration bill, would more than double the number of eligible communities competing for Federal participation in loans for the construction or refurbishing of plants for industrial use—the main objective of both bills. Communities experiencing only temporary economic difficulty would accordingly be made eligible under S. 722 and the dissipation of Federal help among them would deprive communities afflicted with truly chronic unemployment of the full measure of assistance they so desperately desire and which the administration bill would give them.

II

Lasting solutions to the problems of chronic unemployment can only be forthcoming if local citizens—the people most immediately concerned—take the lead in planning and financing them. The principal objective is to develop new industry. The Federal Government can and should help, but the major role in the undertaking must be the local community's. Neither money alone, nor the Federal Government alone, can do the job. The States also must help, and many are, but in many instances and in many ways they could do much more.

Under S. 722, however, financing of industrial development projects by the Federal Government—limited to 35 percent under the administration's proposal—could go as high as 65 percent, local community participation could be as low as 10 percent, and private financing as little as 5 percent. Furthermore, although S. 722 conditions this assistance on approval by a local economic development organization, if no such organization exists one can be appointed from Washington.

III

S. 722 would authorize Federal loans for the acquisition of machinery and equipment to manufacturers locating in eligible areas. Loans for machinery and equipment

are unnecessary, unwise, and costly. Much more money would be required and unnecessarily spent, much less money would find its way into truly helpful projects, and manufacturers would be subsidized unnecessarily vis-a-vis their competitors.

IV

S. 722 would authorize further unnecessary spending by providing both loans and grants—up to 100 percent of the cost—for the construction of access roads, sewers, water mains, and other local public facilities.

Grants for local public facilities far exceed any appropriate Federal responsibility. Even though relatively modest at the start, they would set predictably expensive and discriminatory precedents.

With regard to loans for such purposes, exemption from Federal income taxes makes it possible today for local communities in almost every case to borrow on reasonable terms from private sources. Whenever such financing is difficult to obtain, the need can be filled by the existing public facility loan program of the Housing and Home Finance Agency—a program which S. 722 would needlessly duplicate and for which an additional $100 million authorization has already been requested.

V

S. 722 would make a minimum of 600 rural counties eligible for Federal loans for the construction of industrial buildings in such areas. The rural development program and the Small Business Administration are already contributing greatly to the economic improvement of low-income rural areas. Increasing the impact of these two activities, particularly the rural development program, is a preferable course.

VI

Finally, S. 722 would also create a new Federal agency and would, in consequence, mean many unnecessary additions to the Federal payroll and a considerable delay in the program before the new agency could be staffed and functioning effectively. None of this is necessary, for all that needs to be done can be done—much better and immediately—by the existing Department of Commerce.

Again, I strongly urge the Congress to enact new legislation at this session—but without those features of S. 722 that I find objectionable. I would, however, accept the eligibility criteria set forth in the bill that first passed the Senate even though these criteria are broader than those contained in the administration bill.

Moreover, during the process of developing a new bill, I would hope that in other areas of past differences solutions could be found satisfactory to both the Congress and the Executive.

My profound hope is that sound, new legislation will be promptly enacted. If it is, our communities of chronic unemployment will be only the immediate beneficiaries. A tone will have been set that would hold forth, for the remainder of the session, the hope of sound and rewarding legislation in other vital areas—mutual security, wheat, sugar, minimum wage, interest rates, revenue measures, medical care for the aged, and aid to education, to mention but a few.

Only this result can truly serve the finest and best interest of all our people.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *May 13, 1960.*

[Time Magazine, November 28, 1960]

THE DEPRESSED-AREA PROBLEM—THE CURE MUST BEGIN AT HOME

The weather was dreary and drizzling one morning last week as 500 people filed into the silent Ackermann plant of the Wheeling Steel Corp. in Wheeling, W. Va. The men were not workers arriving for the morning shift but guests at a funeral. They came to bid at an auction to liquidate the plant. In 18 hours of bidding, they bought $5 million worth of idle equipment that once had hummed busily under the hands of 1,200 workers. To Wheeling, the auctioneer's machinegun chant was an old familiar dirge; for years, thousands of its skilled workmen have looked on helplessly as, one after another, the gates of its plants have closed for good. Once-thriving Wheeling is a prime example of an urgent problem: the depressed area.

By Government reckoning, a depressed area is one in which at least 6 percent of the workers are unemployed and the total has run at least 50 percent above the national average for 4 of the last 5 years. The United States has 19 major depressed areas and dozens of minor ones scattered from Washington to Maine, most of them concentrated in the industrial East. They account for more than half a million unemployed workers for whom recession is a year-round, inescapable fact, even when the Nation's economy is booming. Both parties introduced bills to aid depressed areas in the last Congress, but squabbled them to death. The cost was comparatively small: $180 million for the administration bill against $251 million for the Democratic bill. Now President-elect John F. Kennedy has put a depressed-areas bill at the top of his list of "must" legislation.

The Nation's pockets of economic blight are caused by the fact that industries that once provided the major payrolls have either left the area, collapsed, or severely cut back their work force under the stress of technological change or competition from more efficient plants elsewhere. The textile industry has moved out of New England for the South's lower wages. In Pennsylvania, West Virginia, and Kentucky automation in the coal mines and a national shift from coal to oil and gas have thrown thousands out of work. Modernization of the steel industry, abetted by a slump in steel sales, is pushing Youngstown and Pittsburgh toward the depressed category.

Most depressed areas are not economic skeletons incapable of revival; they need only saving infusions of new industry. While they deserve a helping hand from the Government, chiefly in the form of loans and grants to encourage new plant building and new public facilities, it is a fact that Government help can do little good unless depressed areas first go to work to cure their own problems. Many have already arrested the decline, even made healthy comebacks by aggressively working to attract industry, but others are so badly depressed that they lack even the "seed money" to make a fresh start.

Pennsylvania has set up the strongest program to aid local communities in their battle for survival. With about a fourth of all U.S. depressed areas within its borders, the State 5 years ago launched an industrial development program. Its heart was a $20 million revolving fund authorized to make loans to nonprofit development agencies for the construction of new plants in distressed areas. Result: the plan has attracted 389 plants (including Radio Corp. of America, Fruehauf Trailer and Chrysler Corp.) providing 106,000 factory jobs, encouraged the expansion of 700 existing firms, put to work 391 idle plants.

At the city level, Scranton has come up with one of the most imaginative programs. Hit by a cut in mining workers from 17,910 in 1940 to about 2,220 this year, Scranton set out to attract new employers by offering to build them a modern factory to meet their specifications. The city paid for all construction, charged the company only rent. The plan was first financed by the sale of municipal bonds, but the public has chipped in willingly with outright donations to keep the fund going. About 30 community-financed plants have been built at a cost of nearly $20 million, providing jobs for more than 10,000 people. One secret of the plan's success: low wage rates, which 81 percent of the new industries admitted were what made the area attractive to them.

Many plants have closed up or moved away from depressed areas largely because area workers cling to high wage rates out of line with other regions. But as their savings melt away, workers have lowered their sights. The loss of the Ackermann plant so upset Wheeling workers that a jobless steelworker, Thomas Elliott, set up a "save-a-plant" movement, signed up more than 700 unemployed workers who are willing to take much lower wages.

Industrial development agencies have found that one of the most valuable investments they can make is a complete survey of a depressed area's facilities and natural resources. A geological survey of the area around Freedom, Ind., turned up the presence of gypsum; it took little urging to persuade a gypsum mine and mill to locate in the area. More and more depressed communities are setting up training programs to re-educate workers for new jobs. Pennsylvania spends $500,000 a year retraining unemployed workers. Though it costs about $140 to train one worker over a course of several weeks, the State figures that it easily gets that back in taxes within a year.

Instead of concentrating solely on industrial plants, many communities now realize that their biggest hope is to create or attract more service industries. Pennsylvania's service industry employment has steadily increased, jumped from 79,000 in 1950 to 103,900 this year. By attracting enough factories to employ 10,000 people, Scranton figured that it created 17,000 additional jobs in the service industries, retail businesses, and professions. One reason: an average of three people leave the relief rolls for every new job created, thus increasing the market for services.

By working in partnership with the State, local businesses, and—most important—with the workers themselves, local communities can do at least as much as Lawrence, Mass., which, by careful planning and aggressive selling of its assets, has cut its unemployed from 25,000 to 4,500 since most of its textile mills left. All the areas that have worked on curing their own problems agree on one basic fact: Government aid, if it is forthcoming, will not work without the will of a city to revitalize itself.

STATEMENT OF SECRETARY OF COMMERCE FREDERICK H. MUELLER ON AREA ASSISTANCE LEGISLATION, BEFORE THE SUBCOMMITTEE ON PRODUCTION AND STABILIZATION OF THE SENATE COMMITTEE ON BANKING AND CURRENCY, AUGUST 18, 1960

Mr. Chairman and members of subcommittee, I welcome the opportunity to discuss with you proposed legislation to provide authority for an effective and sound Federal program of loans and grants to assist areas of substantial and persistent unemployment in their efforts to establish stable and diversified local economies.

I welcome this hearing, too, because people—their personal problems, their individual well-being, their future prospects—are the constant concern of the administration. We are proud of our record of promoting "Government for the people"; and that the encouragement of a climate favorable to private enterprise has helped develop widespread prosperity, a prosperity which no other nation at no other time in history has ever matched.

However, we shall never be satisfied—and I am sure this committee agrees—until men and women in areas of chronic unemploy-

ment also have an opportunity for a larger share of this country's prosperity.

And they can.

I am here to urge again immediate action to create new opportunities for the jobless and for industries—especially small business in these areas. I propose sound measures aimed at genuine solution. I think that is what the public hopes will be initiated rather than unrealistic plans based on excessive spending and bureaucratic confusion that would turn out to be disappointing to the unemployed.

We can begin now—this year—to help these deserving people. All that is necessary for a start is cooperation in the public interest by the executive and legislative branches. I sincerely believe the public wants prompt progress in a further contribution to healthy economic growth. So does the administration. So—I am confident—do the majority of Members of Congress.

Let us remove the roadblocks that have delayed needed legislation. For 5 years, the President has sought effective and sound legislation in this field and, as late as August 8, the day that the Senate reconvened, he urged that such legislation be enacted at this time. He characterized this as one of the items which should not await the selection and assembly of a new Congress and a new administration. He stressed his desire to cooperate with the Congress in enactment of items listed in his message, and I am pleased therefore at this occasion to work with your committee in its consideration of proposals in this field.

The President's message of May 13, returning without approval S. 722, set forth in detail the reasons for that action. He urged enactment of legislation on which the Congress and the Executive can agree and pledged his cooperation to that end. A legislative proposal was introduced within 5 days thereafter by Senators DIRKSEN, BUSH, BEALL, KEATING, MORTON, and JAVITS (S. 3569) and by Congressmen WIDNALL and SILER in the House. This proposal was intended to provide a program on which the two branches of Government could agree. At the time of its introduction this proposal was publicly acknowledged to be the administration's program, and we urged then and urge now speedy congressional approval. It should be noted that the administration's bill represented a sincere attempt to effect compromises leading to speedy action.

In your letter inviting me to appear today you mentioned your intention to explore in detail S. 722 as passed by this Congress; S. 1064, the earlier proposal endorsed by the administration; S. 3568; and S. 3569, to which reference was made above.

The veto message pointed out that S. 722 made eligible areas that were not chronically distressed. Communities in temporary economic difficulty should not be included. That they were included in the vetoed measure is made abundantly clear by the fact that, since passage of the measure by Congress, 12 areas (9 major and 3 smaller) eligible thereunder would no longer be eligible for benefits. Based on current figures from the Department of Labor, there are 31 major and 105 smaller communities which are eligible under S. 722; and 18 major and 74 smaller of such communities eligible under S. 3569.

The other detailed reasons for not approving S. 722, given by the President in his veto message, do not, in my opinion, need further explanation, but I would like to list and comment on them in a summary manner.

1. Under S. 722, the major role of solving these problems would be undertaken by the Federal Government. This takes the form of Federal participation in loans in amounts in excess to that needed.

We believe that a much more satisfactory way to accomplish local industrial growth and expansion is to concentrate the main effort with those close to the situation, who are familiar not only with the problems but also are aware of local assets and local efforts that can be developed. Experience and logic demonstrate that local private initiative is the key to sustained interest of the community and to lasting benefits. Federal Government should supplement and cooperate, but the prime impetus is local endeavor.

2. Machinery and equipment loans would be provided. Such loans are available, from manufacturers, other private sources, and the Small Business Administration and under the Small Business Investment Act. We believe therefore that authority for such loans would result in unnecessary and unwarranted duplication by the Federal Government in a field where the service is either already provided by nongovernment sources or by SBA when not available privately.

3. The loan program of S. 722 for public facilities again duplicates an existing program for assistance in the construction of basic public works, and the grants which would be authorized by the proposal are not within the scope of the program of assistance to the community as we visualize it. Such grants are disruptive to competition between businessmen and communities and more properly should be the responsibility of State and local agencies. It is neither equitable nor wise to use one type of area development to affect adversely the economic stability of other areas.

4. The rural area program proposed by S. 722 introduced problems entirely different from those found in the industrial communities sought to be assisted by this legislation. Other means of Federal assistance are available and are being used. The rural development program is giving special attention to these areas and is demonstrating positive results. It is widening the opportunities for off-farm jobs, helping the living conditions of low-income farm families, and providing job training and health services. If more assistance is necessary in rural areas, it should be through the medium.

5. Further, the proposed establishment of a new and independent agency is contrary to good administrative practice. Studies and reports by unbiased commissions over recent years have repeatedly stressed the inability of separate agencies of this type to have proper administrative control.

In order to assure top priority of direction and wide cooperation among all agencies of the executive branch that can contribute to the solution, the area development agency should be under a Cabinet department responsive to the President.

In brief, gentlemen, we have opposed S. 722 because by its diffusion of Federal funds and its lack of concentration of aid it has failed to meet the objective which all of us are seeking; namely, the providing of assistance to the Nation's areas of substantial and persistent unemployment. It should be emphasized in this connection that there are major differences between the low-income rural areas on the one hand (such as those sought to be aided by S. 722) and urban industrial areas of chronic unemployment on the other. The urban-industrial areas are those which once had a functioning economy, but which have experienced a severe and lasting unemployment shock. These towns have municipal facilities such as water and sewage systems, they have banks and other commercial facilities, and in general have a concentration of capital investment, human resources, and social institutions which need to be conserved and which provide a base for industrial development. Admittedly rural low-income areas have significant problems but these are not problems of substantial unemployment; nor do those areas have the broad base on which industrial development can immediately take place. These two different types of areas clearly call for different types of treatment and that is why the administration supports separate programs addressed to the two types of areas.

I would like to illustrate in more specific terms how the loan funds for industrial areas provided under the criteria of S. 722 would not be as effective for the areas of real need as they would be under S. 3569. Although I recognize that area assistance loans will not, under either S. 3569 or S. 722, be based solely on the extent of unemployment in the areas for which the loans are sought, yet your subcommittee might be interested in a brief comparison of the two bills based on unemployment criteria alone. Each of the measures provides $75 million for loans to depressed industrial areas. Under the criteria of the administration's bill, S. 3569, there were as of March this year 88 areas that would qualify (17 major and 71 smaller areas). Under S. 722, the vetoed bill, there would be 142 areas (40 major and 102 smaller areas). If the $75 million provided by each bill were prorated proportionately among the distressed areas there would of course be more dollars available per distressed area under the administration's bill than under S. 722. Illinois, which has no major depressed areas, has four minor areas under the tests of S. 3569 and five such areas within the terms of S. 722. The allocation of funds so prorated would be somewhat as follows:

Name	Number unemployed (March 1960)	S. 3569	S. 722
Centralia	1,750	$262,500	$120,000
Harrisburg	4,600	682,500	322,500
Herrin-Murphysboro-West Frankfort	12,050	1,785,000	840,000
Mount Carmel-Olney	1,375	----------	97,500
Mount Vernon	2,850	427,500	195,000

On the foregoing comparative basis four of the Illinois needy areas would be entitled to twice as much money under the administration's bill than under the vetoed bill. A fifth area, Mount Carmel-Olney, whose unemployment is less than 1,400 persons, would not qualify under S. 3569.

Turning to West Virginia, a State critically in need of area assistance, there are three major depressed areas. Here, using the same yardstick, there would be more than double the amount of funds available for these needy communities under the administration's proposal than under S. 722.

Name	Number unemployed (March 1960)	S. 3569	S. 722
Charleston	8,150	$1,215,000	$570,000
Huntington-Ashland	11,900	1,777,500	832,500
Wheeling	10,300	1,537,500	720,000

The same results hold true for West Virginia's smaller areas. Based on the March figures, 11 such areas would qualify for a total of $2,733,500 under the vetoed bill; whereas under S. 3569 9 of these areas would qualify for $6,016,500. Both in totals and in averages per community the criteria of the administration's bill would provide more aid for West Virginia's depressed communities than would S. 722.

In Pennsylvania, the story is much the same. In March of this year it had five major areas of distress under the criteria of S. 3569 and eight such areas within the terms of S. 722. The principal differences being that Philadelphia, Pittsburgh, and York with

less persistent unemployment would not meet the tests of S. 3569. In the five areas which would qualify under both bills, the aid under S. 722 would be less than half that available under the administration's measure. The figures are as follows:

Name	Number unemployed (March 1960)	S. 3569	S. 722
Altoona	4,700	$697,500	$322,500
Erie	9,700	1,447,500	675,000
Johnstown	10,100	1,507,500	705,000
Philadelphia	119,300		8,302,500
Pittsburgh	75,700		5,265,000
Scranton	13,200	1,957,500	922,500
Wilkes-Barre-Hazleton	19,800	2,947,500	1,380,000
York	6,700		465,000

Based on the latest figures from the Department of Labor, I would like to point out that Philadelphia and York are no longer areas of critical unemployment under the standards of either bill. With respect to smaller areas in Pennsylvania, 15 would meet the tests of S. 722 and 11 would qualify under S. 3569. Here again in both totals and averages the vetoed bill would provide considerably less aid than would S. 3569.

If the object of this legislation is to provide material assistance for industrial areas suffering from chronic unemployment, very clearly S. 722 is found wanting—its scattershot approach encompassing communities with temporary, seasonal or mild unemployment problems can mean only that less aid will be available for those unfortunate communities faced with the specter of persistent unemployment.

So much in respect to the previous bill. But the areas with persistent unemployment need not be left neglected in the months ahead. The Congress can act now on an acceptable measure that will bring relief. I refer to S. 3569, which was introduced because the foregoing features of S. 722 prompted a veto in the public interest and because necessity demands a new attempt to pass a bill on which all who want to reduce chronic unemployment can agree.

S. 3569 is a more comprehensive bill than its predecessors. It seeks to gear together all the public and private forces that generate area development and to lay the foundation for permanent economic progress.

This bill provides broader criteria than those provided by S. 1064, the earlier administration proposal considered by the Congress along with S. 722. Such a modification was referred to by the President in his veto message when he stated that he would accept changes in these criteria in the interest of agreement on a proposal.

The sum of $1.5 million annually is authorized to be used in helping State vocational education agencies in vocational training and retraining to assist eligible areas. The earlier bill (S. 1064) provided authority for this activity but did not expressly set out authorization which might serve as a measure of the need for this aspect of the program.

S. 3569 not only provides for priority for eligible areas in obtaining community facilities loans, as did S. 1064, but also expressly provides for the authorization of an additional $100 million in funds to be available for these loans.

Funds available for grants to provide technical assistance would be increased from $3 million annually to $3.5 million annually; $1.5 million would (as in S. 1064) be available annually for areas eligible generally and $2 million would be available annually for towns predominantly dependent on one industry, small towns which could serve as centers for economic diversification of low-income areas, and other low-income areas to help them develop manufacturing, processing, and other activities calculated to diversify and improve their economies.

The maximum term of loans to industrial areas authorized by section 101(b)(2) of S. 3569 would be increased to 30 years from the 25-year maximum provided in S. 1064. The total amount of such loans which may be outstanding at any one time has been increased to $75 million from the $50 million provided for in S. 1064. I must emphasize that the true significance of such an adjustment will obviously be evaluated better on the basis of experience under the program. You may be assured that the budget process, executive and legislative, will arrive at realistic figures. Finally, S. 3569 would make more definite the interest rate to be charged on these loans. The establishment of a more precise formula would assure favorable charges to borrowers.

I have undertaken to describe to this committee in some detail the changes which have been made in the proposed program in the interest of seeking out a proposal on which agreement might be reached. In your letter of invitation, you also asked for detail on the provisions of S. 3568, which was also introduced after the veto of S. 722 as a measure on which agreement might be reached. While we are very appreciative of the thought that went into this latter proposal, we prefer the program to be provided by S. 3569 and have not, therefore, thought it necessary to go into detail with respect to S. 3568.

S. 3569 can be a trailblazer. After initiating a course of action, time will tell whether further adjustments are needed to improve its operation. However, I should like to point out that the President and the administration have been constantly mindful of the problems of the areas of acute unemployment. Since his veto message, the President has personally urged that the various Federal agencies do their utmost within their present authorities and appropriations to assist such areas. Under the chairmanship of the Under Secretary of Commerce, member agencies of the Interdepartmental Committee coordinating the Federal assistance programs have made tangible progress. I am submitting for the record three documents summarizing this assistance.

In closing, I should like to reemphasize a fundamental in respect to any approach to permanent relief and lasting progress:

Money which the taxpayers send to the Treasury is not the sole instrument for use in area development. Excessive Federal funds unwisely spent by officials in Washington, unfamiliar with local conditions, could create duplications and confusions that defeat the purpose and might even cause injury to other sections. Action with any assurance of success must be a cooperative undertaking tailored to fit local conditions. It must stimulate local initiative and must fit into the pattern of private enterprise.

And such action is possible through S. 3569.

HOOVER-TYPE COMMISSION ON FEDERAL TAXATION

Mr. WILEY. Mr. President, I introduce for myself and the Senator from Nevada [Mr. BIBLE] a bill to establish a Hoover-type Commission on Federal Taxation.

The purpose of this Commission would be to make a top-to-bottom review of our tax system, to develop recommendations for providing more equitable tax laws, and to try to find ways and means by which the country can (a) more effectively meet its fiscal needs; (b) assure fair treatment of our citizens under the law; and (c) spur, not stunt, economic growth and progress.

The Nation, I believe, could benefit from creation of a realistic, long-range tax philosophy to serve—and preserve—our free-enterprise system, as well as development of a more equitable system of laws to reflect that philosophy.

Economically, we now exist on a kind of hand-to-mouth practice of levying new laws, and continuing ones that threaten to expire; rarely do we repeal laws, though some continue long beyond their originally intended time.

This results in taxes for economic expediency, rather than adherence to a system of principles designed to meet the long-range needs of the economy and the country.

My colleagues will recall that I introduced a similar measure in the previous Congress. Then, I was gratified by the many Members who joined in cosponsoring the Tax Commission bill.

To give other Senators an opportunity, again, to cosponsor the measure, I request unanimous consent that the bill remain on the desk for 1 week.

At this time, I also request unanimous consent to have the text of the bill printed at this point in the RECORD.

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

The bill (S. 10) for the establishment of a Commission on Federal Taxation, introduced by Mr. WILEY, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the general policy of the Congress—

(a) to strengthen the private enterprise system of the United States in terms of its changing needs, requirements, and opportunities, and thereby to advance the freedom and well-being of the American people;

(b) to provide the soundest basis for the collection of adequate revenue to meet the obligations of the Federal Government;

(c) to promote respect for and observance of Federal revenue laws and regulations; and

(d) toward the accomplishment of these objectives, to promote efficiency, stability, economy, clarity, simplicity, consistency, equity, and justice in the tax policy and tax structure of the Federal Government.

It is the purpose of this Act to establish a medium for the comprehensive implementation of this general policy through the establishment of a Commission to study and investigate the fundamental tax policy and the tax structure of the Federal Government and their application to the people on an individual basis as well as to the various segments of the national economy in order to improve the existing tax policy and tax structure of the Federal Government.

ESTABLISHMENT OF THE COMMISSION ON FEDERAL TAXATION

SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby established a Commission to be known as the Commission on Federal Taxation (in this Act referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of

an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twelve members as follows:

(1) Four appointed by the President of the United States, two from the executive branch of the Government and two from private life;

(2) Four appointed by the President of the Senate, two from the Senate and two from private life; and

(3) Four appointed by the Speaker of the House of Representatives, two from the House of Representatives and two from private life.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Seven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION.—The Commission shall study and investigate the present tax policy and tax structure of the Federal Government, the kinds of direct and indirect taxes imposed thereunder (with particular reference to the Federal income tax and its impact on individuals and on enterprises—small, medium, and large), and the nature and extent of the application of such taxes generally and specifically (including the imposition and collection of taxes), in order to determine what changes in such tax policy and tax structure, and in the application and administration thereof, are necessary in its opinion to carry out the purposes set forth in section 1 of this Act.

(b) REPORT.—The Commission shall submit interim reports at such time or times as it deems necessary and shall submit to the Congress on or before January 1, 1962, its final report of the results of its investigation and study, together with its recommendations. Such final report may propose such constitutional amendments, legislative enactments, and administration actions as in its judgment are necessary to carry out its recommendations. On the sixtieth day after the date of submission of such final report, the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (U.S.C., title 2, secs. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon requests made by the Chairman or Vice Chairman.

EQUALITY OF OPPORTUNITY

Mr. KEFAUVER. Mr. President, on behalf of myself and several colleagues, I am today introducing a bill to amend the Clayton Antitrust Act, as amended by the Robinson-Patman Act, with reference to equality of opportunity. The bill would make more effective the act's prohibitions against price discrimination by eliminating the defense of meeting in good faith the equally low price of a competitor in those instances where it is affirmatively shown that the price discrimination may substantially lessen competition or tend to create a monopoly. Where the effect of the discrimination is not so severe as this, meeting competition in good faith would continue as a defense.

The necessity for the bill arises from the 1951 decision of the Supreme Court in the *Standard Oil of Indiana* case (340 U.S. 231). In this decision the Court held that price discriminations, unlawful under section 2(a) of the Clayton Act because of their substantial adverse effect upon competition, could be continued upon a showing that the discriminations were made in good faith.

This decision stands for the proposition that substantially lessening of competition or tendency toward monopoly is in the public interest if the business practices which produce these results are done in good faith.

The bill, on the other hand, is based on the proposition that substantial lessening of competition or tending toward monopoly is not in the public interest regardless of whether the business practices which produce those results are done in good faith or bad faith. The bill says that good faith monopoly is as repugnant to America as bad faith monopoly.

This is the fourth time I have introduced this bill in the Senate. A similar bill is being introduced also for the fourth time in the House by Representative WRIGHT PATMAN, of Texas, coauthor of the Robinson-Patman Act and a lifelong friend of small business. This proposed legislation has been numbered H.R. 11 in the House and S. 11 in the Senate in the 84th, 85th, and 86th Congresses and is known as the equality of opportunity bill.

Having failed of enactment in the three preceding Congresses, the bill is obviously highly controversial. In the 84th Congress, the bill passed the House by a vote of 393 to 3, but was never considered in the Senate having been caught in the closing days. In the 85th Congress, the bill was reported to the Senate by the Judiciary Committee with an amendment in the nature of a substitute, but again was caught in the closing days. The bill was not acted upon in the 86th Congress.

The bill which I have introduced is in the form in which it was introduced in the 86th Congress.

As I have stated, the bill is controversial. The issue involved is whether good faith monopoly shall continue to be permitted under the Standard Oil of Indiana case, or whether good faith monopoly as well as bad faith monopoly shall be condemned under the bill.

In order that all Senators who believe with me that good faith as well as bad faith monopoly must be prevented may have an opportunity to add their names as cosponsors, I ask unanimous consent that the bill lie on the desk for 1 week.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk for 1 week as requested by the Senator from Tennessee.

The bill (S. 11) to amend the Clayton Act as amended by the Robinson-Patman Act with reference to equality of opportunity, introduced by Mr. KEFAUVER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

FEDERAL ASSISTANCE IN DEVELOPMENT OF IRRIGATION

Mr. ENGLE. Mr. President, on behalf of my self and my colleague, the senior Senator from California [Mr. KUCHEL], I introduce, for appropriate reference, a bill to provide for Federal assistance on water resources. I ask unanimous consent that the bill, together with an explanatory statement, be printed in the RECORD.

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

The bill (S. 13) to provide for Federal assistance in the development of irrigation in connection with non-Federal municipal and industrial water projects, and for other purposes, introduced by Mr. ENGLE (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for Federal cooperation in non-Federal projects proposed to be constructed primarily for municipal and industrial water development and to encourage thereby the planning and construction of water resources developments on a multiple-purpose and comprehensive basis. To implement this purpose there are hereby authorized loans by the United States for those portions of the costs of constructing such projects which are properly allocable to irrigation and grants by the United States for those portions of the costs of constructing such projects which are properly allocable under the Federal reclamation laws to nonreimbursable functions, provided that no Federal loan or grant shall be made for any of the purposes referred to in this Act unless the estimated economic benefits including direct and indirect benefits exceed the costs allocated to that purpose.

SEC. 2. As used in this Act—

(a) The term "project" shall mean a development proposed primarily for supplying municipal and/or industrial water.

(b) The term "organization" shall mean a State or a department, agency, or political subdivision thereof, a municipal water district, water users' association, or similar nonprofit public organization which has capacity to contract with the United States.

(c) The term "Federal reclamation laws" shall mean the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

SEC. 3. Any organization desiring to avail itself of the benefits provided in this Act shall, if the major part of the assistance requested is based upon irrigation or the preservation and propagation of fish and wildlife, submit its project proposal and application for assistance to the Secretary of the Interior who shall, if the request also involves flood control or navigation, transmit a copy thereof to the Secretary of the Army for his consideration. If the major part of the assistance requested is based upon flood control or navigation, the organization shall submit its project proposal and application to the Secretary of the Army who shall, if the request also involves irrigation or the preservation and propagation of fish and wildlife, transmit a copy thereof to the Secretary of the Interior for his consideration. Each project proposal shall set forth, among other things, a plan and estimated costs and benefits in detail sufficient to permit a determination as to project economic and engineering feasibility; shall include a showing that the organization already holds or can acquire all rights, pursuant to applicable State law, to the use of water necessary for the successful construction and operation of the project; shall include a proposed allocation of capital costs to project functions under which costs for facilities used for a single purpose are allocated to that purpose and costs for facilities used for more than one purpose are so allocated among the purposes served that each purpose will share equitably in the costs of such joint facilities; shall have been submitted for review by the State of the drainage basin in which the project is located in like manner as provided in section 1 of the Flood Control Act of 1944 (58 Stat. 887); and shall be accompanied by a payment of $1,000 to defray, in part, the cost of examining the proposal.

SEC. 4. (a) The Secretary of the Interior, upon determination that a requested loan for irrigation constitutes a reasonable risk under the provisions of this Act, is hereby authorized, after submission of his findings and recommendation to the Congress, to negotiate a contract with the applicant organization which shall set out among other things—

(1) the maximum amount of the loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed that portion of the estimated cost of constructing the project which is properly allocable to irrigation;

(2) a plan for (i) repayment by the organization of the amount lent to it within not more than fifty years from the date when the principal benefits of the loan first became available, (ii) repayment in the same period of any costs incurred by the Secretary of the Interior in making and administering the loan which are not covered by such portion of the prepayment of $1,000 required by section 3 of this Act is properly attributable to the irrigation aspects of the project proposal, and (iii) payment of interest each year on that pro rata share of the amount lent which is attributable to furnishing irrigation benefits in that year to lands held in private ownership by any one owner in excess of one hundred and sixty irrigable acres. The interest rate shall be determined by the Secretary of the Treasury and shall be equal to the average annual yield to maturity (adjusted to the nearest one-eighth of 1 per centum), on the basis of daily closing market bid quotations or prices during the month of May next preceding the fiscal year in which the loan is made, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of said month of May; and

(3) such provisions as the Secretary shall deem necessary and proper to provide assurance of and security for prompt repayment of the loan as aforesaid and to assure that the contemplated irrigation benefits (including, particularly, the benefits of interest-free money) will be realized.

(b) The Secretary of the Army, upon determination that any proposed allocations to flood control or navigation are justified, is hereby authorized, after submission of his findings and recommendations to the Congress, to negotiate a contract with the applicant organization which shall set out, among other things—

(1) the maximum amount of any grant to be accorded the organization with respect to the functions aforesaid and the time and method of paying the same to the organization. Said grant shall not exceed those portions of the estimated cost of constructing the project which are properly allocable to flood control and navigation; and

(2) such provisions as he shall deem necessary and proper to assure that the benefits upon which such grant are predicated are attained.

(c) The Secretary of the Interior, upon determination that the proposed allocation to the preservation and propagation of fish and wildlife is justified, is hereby authorized, after submission of his findings and recommendations to the Congress, to negotiate a contract with the applicant organization which shall set out, among other things—

(1) the maximum amount of the grant to be accorded the organization with respect to the function aforesaid and the time and method of paying the same to the organization. Said grant shall not exceed that portion of the estimated cost of constructing the project which is properly allocable to the preservation and propagation of fish and wildlife; and

(2) such provisions as he shall deem necessary and proper to assure that the benefits upon which such grant are predicated are attained.

SEC. 5. The liability of the United States under any contract entered into pursuant to this Act shall be contingent upon the availability of appropriations to carry out the same and every such contract shall so recite.

SEC. 6. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act: *Provided,* That no funds shall be appropriated for a loan or grant under this Act, and no contract under section 4 shall be executed, until such loan or grant has been approved by the Congress.

The explanatory statement presented by Mr. ENGLE is as follows:

EXPLANATORY STATEMENT

The field hearings conducted by the Senate Select Committee on National Water Resources during the past year have revealed widespread interest throughout the country in some means of obtaining Federal assistance in multipurpose water projects being developed by municipal and local agencies. I want to encourage cities and public districts to make the fullest use of their water resources and to include such functions as irrigation, flood control, fish and game preservation at the same time they build water systems for domestic and industrial use.

Accordingly, I am introducing a bill, which the Clerk tells me again will have the identification of S. 13, to authorize loans by the United States for irrigation development and grants for flood control and other nonreimbursable functions, in connection with non-Federal water projects. My California colleague, Senator KUCHEL, is a coauthor of this legislation.

EXPANSION OF SALINE WATER CONVERSION PROGRAM

Mr. CASE of South Dakota. Mr. President, I introduce for appropriate reference a bill to expand and extend the saline water conversion program under the direction of the Secretary of the Interior. The bill is one which passed the Senate in the last session of the 86th Congress. I introduce it today for myself, Mr. ALLOTT, Mr. BENNETT, Mr. CHAVEZ, Mr. FONG, Mr. GOLDWATER, Mr. JAVITS, Mr. KERR, Mr. LONG of Hawaii, Mr. MCGEE, Mr. MOSS, and Mr. WILEY. I ask unanimous consent that it may remain at the desk for 48 hours and that other Senators may add their names if they so desire.

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

will lie at the desk for 48 hours as requested by the Senator from South Dakota.

The bill (S. 22) to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes, introduced by Mr. CASE of South Dakota (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF COMMUNICATIONS ACT RELATING TO BROADCASTING OF RETURNS OF PRESIDENTIAL ELECTIONS

Mr. GOLDWATER. Mr. President, on election night just past, the radio and television stations of the eastern part of the United States were broadcasting results of the election in precincts, cities, and States before the polls had closed in California and other Western States. I think it takes unfair advantage of the time difference in the United States.

Therefore, I have had prepared a bill that would prohibit any radio station—which means also television station—from broadcasting, prior to 12 midnight eastern standard time on the day of an election for President or Vice President, reports of the election in any one or more precincts in any State.

I send the bill to the desk and ask that it be appropriately referred.

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

The bill (S. 56) to amend the Communications Act of 1934 with respect to the broadcasting of returns of presidential elections, introduced by Mr. GOLDWATER, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

RETIRED PERSONS MEDICAL INSURANCE BILL

Mr. McNAMARA. Mr. President, I again introduce my proposal for taking effective steps to tackle a persistent challenge to our country—the financing of adequate medical care for the retired aged of today and of tomorrow.

Fortunately, I am introducing my bill under quite different circumstances than prevailed last year. A new administration has been elected to office on a party platform that included the following commitment:

> The most practicable way to provide health protection for older people is to use the contributory machinery of the social security system for insurance covering hospital bills and other high cost medical services.
>
> For those relatively few of our older people who have never been eligible for social security coverage, we shall provide corresponding benefits by appropriations from the general revenue.

The Democratic Party platform of 1960 considered this commitment a first priority and, what is more, it became a major theme in the campaign itself.

President-elect Kennedy himself, time after time, made such statements as the following:

> I am convinced that only by the use of the social security system can we have true health insurance for older people.

Mr. President, the words of the Democratic platform and of President-elect Kennedy were not motivated by political expediency. They were based on solid evidence, evidence which shows the great need for health protection for our elderly citizens, and which shows that an insurance program utilizing the social security system is the most logical way of accomplishing this.

As chairman of the Senate Subcommittee on Problems of the Aged and Aging I have helped to compile this evidence and have taken a personal interest in the development of sound legislation to meet the challenge.

It is my firm belief that the program I introduce today does meet the challenge.

I ask unanimous consent that a description and analysis of the bill be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 65) to provide for the payment of hospital and other health services furnished to aged retired individuals, and to provide for a continuing study of the health needs of such individuals, introduced by Mr. McNAMARA, was received, read twice by its title, and referred to the Committee on Finance.

The analysis presented by Mr. McNAMARA is as follows:

RETIRED PERSONS MEDICAL INSURANCE ACT INTRODUCED BY SENATOR PAT McNAMARA

TITLE I—AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

This bill is an amendment to title II of the Social Security Act to provide medical insurance benefits to aged beneficiaries under the OASDI program.

Section 101(a) of the bill provides for a new section in the Social Security Act under which provision is made for the payment of medical insurance benefits to aged beneficiaries under the OASDI program.

MEDICAL INSURANCE BENEFITS

Section 226(a)(1): Eligibility for benefits: Retired persons eligible to OASI benefits would be eligible for medical insurance benefits under this bill if they have reached the age of 62 for women and 65 for men.

A spouse who receives more than one-half support from his or her eligible spouse for a year which began no earlier than the calendar year preceding the dependent spouse's attainment of age 62 for women, age 65 for men, would be eligible for medical insurance benefits.

An application for payment must be filed in the form and manner, and by such person as shall be prescribed by the Secretary of HEW.

Section 226(a)(2): Kinds of benefits: Medical insurance benefits are to include hospital services, nursing home services, home health services, diagnostic outpatient services, and expensive drugs.

Section 226(a)(3): Definition of retirement: The bill defines a retired OASI beneficiary as (a) anyone who had total earnings of less than $2,400 in a calendar year preceding illness, or (b) anyone in the above ages who did not earn more than $100 in wages and was not self-employed in 3 months in a calendar year preceding his illnees, or (c) had attained age 72. The calendar year could not be earlier than the calendar year preceding attainment of age 62 for women and 65 for men.

For purposes of the definition of retirement under this section an individual shall be deemed not to have engaged in self-employment in any month in which he renders services in his business in less than 8 days during that month.

Section 226(a)(4) Amount of benefits:

Hospital services, 90 days in any calendar year.

Recuperative nursing home services, 180 days.

Home health services, 240 days.

Diagnostic services to the extent established by regulation of the Secretary of HEW after study and consultation with the Advisory Council.

Expensive drugs only to the extent set by the Secretary in regulations after study of the subject and consultation with the Advisory Council.

This paragraph also defines one unit of service as (a) 1 hospital day or (b) 2 days of nursing home service or (c) 2⅔ days of home health services. No person can receive more than 90 units of services of any combination of hospital, nursing home, or home health services in any calendar year.

Section 226(a)(5) Referral and recertification by physician: To be eligible for benefits an individual must be referred to the hospital, nursing home, or home health service agency by a physician who certifies that such services are required for the individual's medical treatment. Periodic recertification at specific intervals—to be established by the Secretary—would be required as a condition of continuing eligibility during the period of illness. Referral would not be necessary in emergency cases.

Section 226(a)(6) Applications for payment: Applications for the payment of medical insurance benefits, except for expensive drugs, may be filed no earlier than 3 months before or no later than 12 months after the beginning of a period in which covered health services were furnished. With respect to expensive drugs, application would have to be filed within such time as the Secretary of HEW would by regulation prescribe.

Section 226(b) Determinations of eligibility: The Secretary would have authority to make and review determinations of eligibility for medical insurance benefits. Payment of monthly OASI benefits other than disability insurance benefits would be conclusive evidence of the attainment of retirement age.

Section 226(c) Definitions:

1. Hospital services: These are inpatient services including all of the regular services provided by a hospital. Provides for semiprivate accommodations, unless other accommodations are required for medical reasons, medical service, nursing and such other services customarily provided by hospitals. Does not include services provided in connection with cosmetic or plastic surgery for beautification.

2. Nursing home services: This includes skilled nursing care, related medical and personal services and bed and board furnished an individual as an inpatient for a condition, certified by a physician, for which the patient had been hospitalized, prior to transfer to the nursing home.

3. Home health services: These are visiting nurse and allied services provided by a nonprofit home health service agency in the patient's home. They include various kinds of therapies, medical social services, and homemaker services.

4. Diagnostic outpatient services: These are X-ray, laboratory, and other diagnostic services provided by a hospital on an outpatient basis as prescribed by a physician.

5. Expensive drugs: These refer to drugs prescribed by a physician using generic names, including drugs for repeated use over a period of time, and the cost of which is in excess of an amount fixed by the Secretary.

Section 226(d)(1) Agreements with providers of health services:

This paragraph provides that the Secretary shall publish lists of hospitals, nursing homes, and home health service agencies, licensed pursuant to State law, which meet standards prescribed by him. Such institutions are eligible for payment under this section if an agreement to make no charge to eligible individuals for covered services is filed with the Secretary. This paragraph provides that the Secretary may take account of standards set by nationally recognized accrediting bodies. He may also delegate responsibility to appropriate State agencies to assist in determining whether standards are being met.

Agreements may be terminated by providers or by the Secretary under regulations to be established.

Services furnished by mental and tuberculosis hospitals are excluded.

(d)(2) Payments may be made to hospitals not listed by the Secretary for emergency services furnished to eligible persons.

(d)(3) Payments to hospitals for hospital service and outpatient diagnostic service would be equal to the cost of rendering the service, and the method of determining such cost shall be prescribed by regulations after consultation with the Advisory Council.

(d)(4) No payments can be made for hospital services where the patient is entitled to hospitalization under workmen's compensation legislation, except in special situations where entitlement under workmen's compensation has not been finally determined and arrangements have been made for reimbursement of the trust fund if the claim under workmen's compensation law is sustained. No payment can be made for hospital services if the hospital is obligated by law or by contract with a political entity to furnish service at public expense and without employing a means test.

(d)(5) Payment to nursing homes and for home health services shall be based on the reasonable cost of rendering service.

(d)(6) This paragraph provides for the payment of only that part of the cost of expensive drugs which exceeds the amount fixed by the Secretary. Payment is to be based on reasonable cost of the drugs, plus such percentage as may be determined by the Secretary after consultation with the Advisory Council to provide adequate compensation to the pharmacy for its services in furnishing the drugs. Payment may be made to any licensed retail pharmacy which has entered into an agreement with the Secretary.

(d)(7)–(9) No interference in administration: This is a definite statement—that no supervision or control over the administration or operation of any agency which has entered into an agreement with the Secretary under this section is permissible.

(d)(10) Payment for covered services would be made from the Federal Medical Insurance Trust Fund.

SECTION 266. (e) Free choice by patient: This subsection asserts the absolute free choice of an individual to secure hospital services, nursing home services, home health services, or diagnostic services, from any facility which he selects and which is listed by the Secretary as eligible to provide the class of services. It also asserts that he may obtain expensive drugs from any pharmacy which has entered into an agreement with the Secretary.

Section 226(f)(1) Creation of National Medical Insurance Benefits Advisory Council: This section provides for the creation of the National Medical Insurance Benefits Advisory Council composed of the Commissioner of Social Security and the Surgeon General of the Public Health Service as cochairman, and 12 members appointed by the Secretary, 4 of whom would be representatives of the general public, and the remaining members outstanding people in the hospital and health field. Each is to have a term of 4 years on a staggered basis. The Advisory Council is authorized to appoint special committees for particular purposes and will meet as necessary, but not less than once a year.

(f)(2). The Advisory Council or a technical committee appointed by the Council would have the duty of studying the operation of this section of the act.

Section 226(g)(1). Use of private, nonprofit organizations: It is within the discretion of the Secretary to use the services of private, nonprofit organizations in the administration of this section of the act.

(g)(2). Method of payment for health services: Payments to participating private, nonprofit organizations for costs incurred in the administration of the program, and as reimbursement for amounts paid to providers of service, would be made from the Federal medical insurance trust fund.

Section 101(b) of the bill—Creation of Federal medical insurance trust fund: This section creates the Federal medical insurance trust fund in addition to the OASI trust fund and the disability trust fund. It provides for the allocation of a specified portion of social security taxes to this new trust fund. The section authorizes for fiscal year ending June 30, 1962, to December 31, 1971, appropriations to the medical trust fund of revenue derived from a one-half of 1 percent increase in the OASI tax, three-fourths of 1 percent beginning January 1, 1972. On self-employed the tax would be three-eighths of 1 percent until January 1, 1972, and nine-sixteenths of 1 percent thereafter.

Section 101(c) of the bill sets forth the phasing schedule with respect to the effective dates of the various benefits.

Hospital services: Not earlier than July 1, 1962, or later than January 1, 1963.

Nursing home services: Not earlier than January 1, 1964, or later than July 1, 1964.

Home health services: Not earlier than January 1, 1963, or later than July 1, 1963.

Diagnostic outpatient services: Not earlier than July 1, 1962, or later than January 1, 1963.

Very expensive drugs: Not earlier than July 1, 1963, or later than January 1, 1964.

TITLE II—MEDICAL BENEFITS FOR RETIRED AGED NOT ELIGIBLE FOR SUCH BENEFITS UNDER TITLE I OF THIS ACT

This title creates a new title XIV in the Social Security Act to provide medical benefits for those aged persons not eligible for benefits under the OASI program.

Section 201(a) of the bill amends the Social Security Act by adding a new title.

Section 1601(a) provides that persons not eligible for OASI benefits may be eligible for medical insurance benefits if they are residents of the United States, have attained retirement age and meet the retirement test as provided in section 226 of title II of the act. The amount and kind of benefits payable and the conditions under which they would be paid are the same as provided in section 226 of the act.

Section 1602: This section authorizes appropriations to the Federal medical insurance trust fund necessary to meet payments for persons eligible to receive benefits under this section; i.e., retired persons not eligible for OASI benefits. Appropriations would come out of general revenues.

Section 1603: Payments made under this title would be made from the Federal medical insurance trust fund.

Section 1604: This section excludes: Those eligible to an annuity or pension under the Railroad Retirement Act; those eligible to receive an annuity under the Civil Service Retirement Act and their spouses; physicians; those eligible to receive annuities under State and local retirement systems which were covered by OASI. However, title IV of the bill is a declaration of policy which states that it is the intent of the Congress to make available, as soon as possible, to those receiving railroad retirement and civil service retirement annuities the same type of services made available by this act to those receiving OASI benefits.

Title III: Amends appropriate sections of the Internal Revenue Code of 1954 so that the total social security tax can include the additional tax authorized in title I of this bill.

Title IV, section 401: This section is a declaration of policy by the Congress to include as soon as possible persons receiving annuities under Railroad Retirement Act and Civil Service Retirement Act.

Section 402. Research and demonstration on health needs: This section directs the Secretary to conduct a continuing study and investigation of the health needs of older individuals and the means for meeting these needs most effectively and efficiently. It also authorizes appropriate demonstration programs in this field.

CONSTRUCTION OF THE BURNS CREEK DAM AND POWERPLANT IN BONNEVILLE COUNTY, IDAHO

Mr. CHURCH. Mr. President, in the 86th Congress and in the 85th Congress, my senior colleague and I were joined in the sponsorship of legislation which would authorize the construction of the Burns Creek dam and powerplant in Bonneville County, Idaho.

Bills to accomplish this purpose were passed in this body in each of these sessions and once again, on behalf of myself and my senior colleague from Idaho, I introduce it for appropriate reference. The bill which we are introducing had the support of the Interior Department and the Bureau of the Budget. I am sure that it will have this support from the new administration and I am hopeful that once again, the Senate can act favorably upon it.

The Burns Creek dam and reservoir and powerplant would be located on the Snake River in Bonneville County, Idaho, about 30 miles downstream from Palisades Dam. It would be integrated electrically, hydraulically, and financially with the existing Palisades reclamation project. The prime purpose of this development is reregulation of releases from Palisades, but in addition 100,000 acre-feet of its 234,000 acre-feet of reservoir capacity will be available for long-term holdover irrigation storage and a 90,000-kilowatt powerplant will be built. The holdover storage would in effect provide insurance water to be used during extreme drought periods. All of it has been contracted for use on the irrigated acres along the Snake River upstream from Bliss, Idaho, by the users

who heretofore have contracted for Palisades water.

The reregulation of Palisades releases will make possible an integrated operation which will more than double the prime power output from the Palisades powerplant alone. A very favorable cost benefit ratio has been reported.

The bill has the virtually unanimous support of the water users, the power users and all other interested parties in the State of Idaho.

When we joined in the introduction of this bill on January 14, 1959, I said:

I know of no project which is so well able to stand on its own merits as this one, not only in terms of the supplemental irrigation benefits, but also in terms of the power it will produce, as well as in fiscal terms. It will not be a cost to the Federal Government. Rather, it will be an additional investment in the development of reclamation and related purposes which will more than repay the Treasury with interest, from power revenues alone, within a reasonable pay-out period.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 66) to authorize the Secretary of the Interior to construct, operate, and maintain a reregulating reservoir and other works at the Burns Creek site in the upper Snake River Valley, Idaho, and for other purposes, introduced by Mr. CHURCH (for himself and Mr. DWORSHAK), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EXPANSION OF SALINE WATER CONVERSION PROGRAM

Mr. ENGLE. Mr. President, I introduce, for appropriate reference, a bill to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes. I ask unanimous consent to have the bill printed in the RECORD at this point.

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

The bill (S. 100) to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes, introduced by Mr. ENGLE, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas a serious problem exists in many areas of the country today because natural fresh water supplies have remained relatively constant while population and the consumption of fresh water have increased tremendously;

Whereas the areas in which water shortages exist may be expected to increase at an alarming rate if reliance is placed solely upon natural fresh water supplies;

Whereas as the limit of the natural fresh water supplies is approached, this country will become increasingly dependent upon the conversion of salt and brackish waters for its supplies of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses;

Whereas the Federal Government has been conducting a limited program to develop lower cost means of converting saline waters into water suitable for beneficial consumptive purposes;

Whereas although some significant progress has been made under that program, the answers to low-cost conversion of saline waters have not been found as yet;

Whereas a considerable expansion of a cooperative Federal program of research, development, and demonstration, and of aid to public bodies in practical application, could yield enormous dividends to the Nation in terms of lowered saline water conversion costs and new supplies of beneficial water to a growing number of needy areas; and

Whereas the future well-being and development of this country, its civil and military defense, its world prestige, and the well-being of its friends and allies in the free world, require a sharp acceleration of the national effort to develop lower cost methods of converting sea or other saline waters into water suitable for beneficial consumptive uses: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1952, as amended (42 U.S.C. 1951–1958), is amended to read as follows:

"TITLE I—SALINE WATER RESEARCH AND DEVELOPMENT

"Policy and purpose

"SEC. 101. In view of the acute shortage of water in many areas of the Nation, and in recognition of the increasing importance of finding new sources of supply to meet the present and future water needs of this country, the Congress reaffirms and declares its policy to assist in the development of practicable low-cost means of producing, from sea or other saline waters, water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive uses on a scale sufficient to determine the feasibility of the development of such production and distribution on a large scale.

"Administration

"SEC. 102. The provisions of this Act shall be administered by the Secretary of the Interior (hereinafter referred to in this title as the 'Secretary') acting through such agencies of the Department of the Interior as he deems appropriate.

"Functions

"SEC. 103. (a) STUDIES AND RESEARCH.—The Secretary shall conduct research and make careful engineering studies to ascertain the lowest investment and operating costs and the best designs and conditions of operation to accomplish the purposes of this Act. Such research shall include, but not be limited to (1) the use of small conversion units, (2) methods of extraction and use of byproducts, (3) an evaluation of various materials for use in construction, and of types of components and equipment, (4) methods of overcoming or lessening corrosion, (5) the use of atomic energy in conversion systems, (6) methods of preventing scale, (7) the development of improved membranes, and (8) the advancement of scientific data on thermodynamics, polarization, properties of solutions, ion exchange, absorption, and brine disposal. In connection with studies to ascertain the lowest investment and operating costs, the Secretary shall consider and evaluate methods for the recovery and marketing of byproducts resulting from and incident to the production of water by the conversion of sea and other saline waters for the purpose of ascertaining the possibilities of offsetting the costs of water production in any area by the commercial utilization of such byproducts.

"(b) PROCESS DEVELOPMENT.—The Secretary shall conduct technical development work to determine the results of research by laboratory and pilot plant testing with a view to developing processes to the point where they can be demonstrated on a large and practical scale. Such development work shall include the laboratory or pilot plant testing of saline water conversion processes, including (1) distillation processes, (2) freezing processes, (3) membrane and ion-exchange processes, (4) solar distillation processes, and (5) other promising processes, such as gas hydrates and solvent extraction. The Secretary shall also, subject to the provisions of section 105, undertake the laboratory or pilot plant testing of saline water conversion systems suitable for civil defense purposes.

"(c) INVESTIGATION, COORDINATION, AND CORRELATION OF SCIENTIFIC DATA.—The Secretary shall, with a view to obtaining and making available the most advanced information concerning saline water conversion developments—

"(1) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue periodically bibliographical data, with respect to such literature;

"(2) cause on-site inspections to be made of promising projects, domestic and foreign, and cooperate and participate insofar as practicable, in their development;

"(3) provide for the calling of, and sending representatives to, national and international conferences relating to saline water conversion;

"(4) stimulate, by grant or otherwise, pioneering research in matters relating to saline water conversion by educational institutions, scientific organizations, and industrial and engineering firms; and

"(5) coordinate, correlate, and publish information obtained with a view to advancing the development of low-cost saline water conversion projects.

"(d) ECONOMIC STUDIES.—With a view to clarifying the economics of saline water conversion and thereby stimulate development, the Secretary shall undertake economic studies and market surveys to determine (1) present and prospective comparative costs of natural fresh water, and potable water by the leading saline water conversion processes in various, representative areas, and (2) present and prospective markets for saline water conversion equipment.

"Powers

"SEC. 104. (a) In carrying out his functions under section 103, the Secretary may—

"(1) acquire, by purchase, license, lease, or donation, secret processes, technical data, invention, patent applications, patents, licenses, land and any interest in land (including water rights, easements, and leasehold interests), plants and facilities, and other property or rights: *Provided,* That the land or other property acquired hereunder shall not exceed that necessary to carry out experiments and demonstrations authorized by this title;

"(2) make research grants to and enter into noncompetitive contracts with any educational institution, scientific organization,

or industrial or engineering firm deemed suitable to do any part of the research or other work to be carried out under this title;

"(3) acquire the services of chemists, physicists, engineers, and such other personnel as may be deemed necessary;

"(4) utilize the facilities of existing Federal scientific laboratories;

"(5) establish and operate a central laboratory and test site, serving both sea and brackish water, for the purpose of conducting the continuous research, testing, development, and programing necessary to effectuate the purposes of this title;

"(6) negotiate contracts with any States, territories, possessions, political subdivisions or agencies thereof, or publicly owned utilities organizations, hereinafter called organization, for use of organization's saline water conversion plant facitities to further the sea and brackish water conversion research and demonstration program; and

"(7) evaluate loan applications made by any State or political subdivision or agency thereof, or publicly owned public utility organization to the Housing and Home Finance Agency for the construction of saline water conversion plants for the purpose of certifying to said Agency the reliability and economic potential of the proposed process, and to make such recommendations as may be necessary as to engineering, design, and capacity of said plant.

"(b) All research within the United States which has been contracted for, sponsored, cosponsored or authorized under authority of this Act, shall be provided for in such a manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public.

"This subsection shall not be construed as to deprive the owner of any background patent relating hereto of such rights as he may have thereunder.

"Cooperation with other agencies

"SEC. 105. The Secretary shall, in carrying out the purposes of this title, cooperate with other Federal, State, or municipal departments, agencies, or instrumentalities, and with interested persons, firms, institutions, and organizations. Research activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the greatest practicable extent compatible with military and security limitations to the end that research and developments under this title which are primarily of a civil nature will contribute to the defense of the Nation, and that research and developments in the same field which are primarily of a military nature and are conducted by the Department of Defense will be made available to advance the purposes of this title and to strengthen the civil economy of the Nation. Similarly the fullest cooperation by and with the Atomic Energy Commission and the Civil Defense Administration in research shall be carried out in the interest of achieving the objectives of this title.

"Disposal of water and byproducts

"SEC. 106. The Secretary is authorized, for the sole purpose of this title, to dispose of all water and other products produced as a result of his operations under this title pursuant to regulations prescribed by him. Nothing in this title shall be construed to alter existing law with respect to the ownership and control of water.

"Disposition of money

"SEC. 107. All moneys received for products of the plants under this title shall be paid into the Treasury as miscellaneous receipts.

"Reports

"SEC. 108. The Secretary shall make reports to the President and the Congress at the beginning of each regular session of the action taken or instituted by him under the provisions of this title. Any such report may include suitable recommendations for further legislation.

"Rules and regulations

"SEC. 109. The Secretary may issue rules and regulations to effectuate the purposes of this title.

"Authorization for appropriations

"SEC. 110. There are hereby authorized to be appropriated any unappropriated funds authorized by the Act of July 3, 1952 (66 Stat. 328), as amended (42 U.S.C. 1951), and such additional sums not exceeding $20,000,000, as may be required to carry out the provisions of this Act during the fiscal years 1961–1965, inclusive, with such funds to remain available until expended: *Provided*, That not to exceed 10 per centum of the funds available in any one year for research and development may be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States: *And provided further*, That contracts or agreements made with public or private agencies in foreign countries shall provide that the results or information developed in connection therewith shall be available without cost to the United States for the use of the United States throughout the world and for the use of the general public within the United States.

"TITLE II—FINANCIAL ASSISTANCE FOR THE CONSTRUCTION OF CONVERSION PLANTS

"Declaration of policy

"SEC. 201. It is the purpose of this title to stimulate the construction of plants for the production, from sea water or brackish water, of water that is suitable for municipal or other beneficial consumptive uses, and thereby make maximum use of the research for the development and utilization of saline waters that is authorized by title I of this Act, and maximum use of the demonstration plant program authorized by the Act of September 2, 1958 (72 Stat. 1706).

"Applications for financial assistance

"SEC. 202. (a) Any State, or political subdivision or agency thereof, or publicly owned public utility organization (any such entity being hereinafter referred to as 'organization') may submit to the Secretary of the Interior, in such form as the Secretary may prescribe, an application for a loan, or an offer to sell to the United States securities of the organization, to finance the design and construction of a plant to produce, from sea water or brackish water, water that is suitable for municipal, industrial, domestic, or other beneficial consumptive use.

"(b) Any application for a loan or offer to sell securities hereunder shall include a showing that the organization (1) holds or can acquire, pursuant to State law, all lands and interests in land, and rights to the use of water, which are necessary for the successful construction, operation, and maintenance of the plant, and (2) is ready, able, and willing to finance by other means the portion of the cost of design and construction that is not covered by the loan application or offer to sell securities.

"(c) No application for a loan or offer to sell securities under this section shall be made in an amount which exceeds 90 per centum of the estimated cost of design and construction (exclusive of land and water costs), or $1,000,000, whichever is smaller.

"(d) As used in this section, the term 'State' includes any of the several States of the United States, the Commonwealth of Puerto Rico, and any of the territorial possessions of the United States.

"Submittal to Congress

"SEC. 203. (a) If the Secretary of the Interior approves an application or offer submitted under section 202, after finding that the proposed construction is feasible and that the loan or purchase of securities would be a reasonable risk, he shall transmit to the Congress the application or offer, his approval, and his findings.

"(b) No appropriation shall be made for a loan to, or a purchase of securities from, the organization prior to sixty calendar days (which sixty days shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Secretary's findings and approval are submitted to the Congress and then only if, within said sixty days, the Congress does not disapprove the application or offer by concurrent resolution.

"Terms applicable to loans or purchases

"SEC. 204. Either concurrently with the submission to Congress of an application or offer, or after the time for congressional disapproval has expired without the adoption of a resolution of disapproval, the Secretary of the Interior may negotiate and execute an agreement with the organization which shall set out, among other things:

"(1) the maximum amount of the loan or the securities to be purchased;

"(2) the time and method for making the money available to the organization;

"(3) a plan for the repayment of the loan in not more than forty years in periodic installments that need not necessarily be in equal amounts, and for the payment of interest on unamortized balances, beginning three months after the plant first commences operation, at a rate determined by the Secretary which shall not exceed the average rate of interest computed as of the end of the calendar month next preceding the date on which such loan is made, borne by all outstanding interest-bearing marketable public debt obligations of the United States having a maturity date of fifteen or more years, adjusted to the nearest one-eighth of 1 per centum; or, in the case of an offer to sell securities, a plan of redemption that is consistent with the foregoing requirements with respect to a loan;

"(4) provisions for assuring and securing the prompt repayment of the loan and interest or for the redemption of the securities; and

"(5) provisions making the liability of the United States under the agreement contingent upon the availability of appropriations for the purpose.

"Use of plants for which assistance is extended

"SEC. 205. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to contract with a borrower under this title for the use of the borrower's plant facilities to further the research and demonstration programs authorized by title I of this Act, and the Act of September 2, 1958 (72 Stat. 1706), and to provide in the contract for a credit on the organization's loan, or for a cancellation of its securities, in an amount up to 25 per centum of the original amount thereof as compensation to the borrower for the use made of its facilities in connection with such programs.

"Unavailability of other financing

"SEC. 206. No loan or purchase of securities shall be made pursuant to this title if the Secretary determines that in his judgment the organization can obtain funds on reasonable terms from other sources.

"Authorization for appropriations

"SEC. 207. There are authorized to be appropriated such sums, not to exceed $20,000,000 in the aggregate, as may be nec-

essary to carry out the provisions of this title, and any such appropriation shall remain available until expended."

COMMISSION TO STUDY METHODS OF NOMINATING AND ELECTING PRESIDENT AND VICE PRESIDENT

Mr. ENGLE. Mr. President, I introduce, for appropriate reference, a bill to establish a Commission To Study and Propose Improvements in the Methods of Nominating and Electing the President and Vice President.

The 1960 election, with its close popular vote and the uncertainties concerning electors in some of the States, has focused renewed and widespread attention on the electoral college system and brought demands for its abolition or reform. My bill would create an 11-member Commission, appointed by the President from among experts in private life, without regard to political affiliation. The Commission would submit its findings to Congress by the beginning of the next session, in ample time for legislative action before the 1964 Presidential election. This approach would give Congress the benefit of the thinking of some of the best minds on the subject of electoral reform. Its members could apply to the complicated problem the kind of study and concentrated attention which it requires.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. GORE in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 102) to establish a Commission To Study and Propose Improvements in the Methods of Nominating and Electing the President and Vice President, introduced by Mr. ENGLE, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission to be known as the Commission on the Presidential Electoral System (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. (a) The Commission shall be composed of eleven members appointed by the President from individuals in private life, chosen without regard to political affiliation.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Five members of the Commission shall constitute a quorum.

DUTIES

SEC. 3. (a) It shall be the duty of the Commission to make a full and complete study and investigation to determine what changes, if any, should be made in the existing method of nominating and electing the President and the Vice President. In the course of such study and investigation the Commission shall consider any proposals that have been suggested for modification of the existing method of the selection of candidates for, and the election of, President and Vice President, and any other matters relating to the nominating and electoral processes which the Committee may deem it advisable to consider.

(b) Not later than the beginning of the second regular session of the Eighty-seventh Congress the Commission shall submit to the President and to the Congress a complete report of the results of its study and investigation, together with such recommendations as it deems desirable.

POWERS

SEC. 4. (a) The Commission may, in carrying out this Act, sit and act at such times and places, hold such hearings, take such testimony, administer such oaths, procure such printing and binding, and make such expenditures as the Commission deems advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(b) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of the civil service laws and the Classification Act of 1949, as amended. The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

(c) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code or section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States.

(d) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government information, suggestions, estimates, and statistics for the purposes of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

COMPENSATION OF MEMBERS

SEC. 5. The members of the Commission shall receive $50 per diem when engaged in the performance of duties vested in the Commission, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

EXPENSES

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

EXPIRATION

SEC. 7. The Commission shall cease to exist thirty days after the submission of the report provided for in section 3(b).

AUBURN-FOLSOM SOUTH UNIT, AMERICAN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. ENGLE. Mr. President, the Central Valley project in California is one of the great reclamation projects of our time. It has a long history of successful operation and profitable repayment. It is a constantly growing project to meet the expanding water and power needs and the rapidly increasing population of the Sacramento and San Joaquin Valleys.

The next logical addition to the Central Valley project is the Auburn-Folsom South unit of the American River division. I am introducing a bill today to authorize the construction of that unit. I wish to point out that the engineering reports on the Auburn Dam and powerplant and on the Folsom South Canal have been completed by the Bureau of Reclamation and combined into one report by the Department of the Interior for current review by State and Federal agencies. The report will reach the Congress this spring. The need for the Folsom South Canal to serve lands in Sacramento and San Joaquin Counties is urgent. Ultimately the Auburn Reservoir will be required to supply the water for the Folsom South Canal. Electric energy from the Auburn powerplant is needed as soon as possible in the Central Valley area.

The Auburn-Folsom South unit is a logical and feasible addition to the Central Valley project.

I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 103) to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws, introduced by Mr. ENGLE (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the principal purpose of increasing the supply of water available for irrigation and other beneficial uses in the Central Valley of California, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate and maintain, as an addition to, and an integral part of, the Central Valley project, California, the Auburn-Folsom South unit, American River division, in general accordance with plans of the Department of the Interior prepared pursuant to the Act of October 14, 1949 (63 Stat. 852) and adopted by the Secretary of the Interior on December 8, 1960. The works authorized to be constructed shall consist of—

(1) the Auburn Dam and Reservoir, a major storage reservoir having a storage capacity of approximately one million acre-feet, to be constructed on the American River near the city of Auburn, California;

(2) a hydroelectric powerplant at Auburn Dam with a generating capacity of approximately one hundred and sixty thousand kilowatts and necessary electric transmission system for inter-connection with the Central Valley project power system;

(3) a reservoir or reservoirs with necessary diversion works, conduits, and other appurtenant works of adequate capacity for the

delivery of water supplies to approximately 15,000 acres of the Forest Hill Divide area in Placer County;

(4) Folsom South Canal and related operating structures, including pumping plants, regulating reservoirs, floodways, channels, levees, and other appurtenant works for the diversion and conveyance of water of the American River from an appropriate point upstream of Nimbus Dam on said river to such point in San Joaquin County as the Secretary of the Interior determines will best serve the needs of Sacramento and San Joaquin Counties, and in the construction of such canal and related operating structures, the Secretary is authorized to provide, in such manner as he deems necessary and economically feasible, for the future construction of the east side division of the Central Valley project, now under study as a means of providing supplemental water on the east side of the Southern San Joaquin Valley;

(5) Folsom-Malby Canal with necessary pumping plants and a regulatory reservoir of approximately twenty-five thousand acre-feet, located near Malby Crossing on Carson Creek six miles south of Folsom, California, to serve approximately ten thousand acres of land below an elevation of five hundred feet lying in Sacramento and El Dorado Counties.

SEC. 2. Subject to the provisions of this Act, the operation of the Auburn-Folsom South unit, American River division, shall be integrated and coordinated, from both a financial and an operational standpoint, with the operation of other features of the Central Valley project, as presently authorized and as may in the future be authorized by Act of Congress, in such manner as will effectuate the fullest, most beneficial, and most economic utilization of the water resources hereby made available. The Auburn Dam shall be operated for flood control in accordance with criteria established by the Secretary of the Army as provided for in section 7 of the Flood Control Act of 1944 (58 Stat. 887). Minimum basic facilities may be provided for the accommodation of the visiting public at Auburn Reservoir and its shoreland if responsible local interests agree to assume the operation and maintenance thereof. The costs of such facilities shall be nonreimbursable and nonreturnable.

SEC. 3. In locating and designating the works authorized for construction by the first section of this Act, the Secretary of the Interior through the Commissioner of Reclamation shall give due consideration to the reports upon the California water plan prepared by the State of California, and shall consult the local interests to be affected by the construction and operation of said works through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 4. Nothing contained in this Act shall be construed by implication or otherwise as an allocation of water, and in the studies for the purposes of development plans for disposal of water as herein authorized the Secretary of the Interior shall make recommendations for the use of water in accord with State water laws, including but not limited to such laws giving priority to the counties and areas of origin for present and future needs.

SEC. 5. There are hereby authorized to be appropriated $181 million, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the type of construction authorized in this Act, and, in addition thereto, such sums as may be required to operate and maintain the Auburn-Folsom South unit.

PROGRAM OF WATER POLLUTION CONTROL AND EVALUATION OF RECREATIONAL BENEFITS FROM CONSTRUCTION OF FEDERAL WATER RESOURCES PROJECTS

Mr. KERR. Mr. President, I introduce, for appropriate reference, two bills. The first bill provides for a more effective program for water pollution control. The second bill makes the evaluation of recreational benefits resulting from the construction of any water resources project an integral part of project planning. I ask unanimous consent that these two bills may lie on the desk until following the opening of next Monday's session in order that other Senators who care to do so may join as authors of them.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will lie on the desk, as requested by the Senator from Oklahoma.

The bills introduced by Mr. KERR are as follows:

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. MOSS, Mr. CASE of South Dakota, Mr. MONRONEY, and Mrs. NEUBERGER):

S. 120. A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution; to the Committee on Public Works.

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. CASE of South Dakota, Mr. MONRONEY, Mr. COOPER, and Mrs. NEUBERGER):

S. 121. A bill to make the evaluation of recreational benefits resulting from the construction of any Federal water resources project an integral part of project planning, and for other purposes; to the Committee on Public Works.

AMENDMENT OF THE EMPLOYMENT ACT OF 1946

Mr. BUSH. Mr. President, on behalf of myself and the distinguished senior Senator from Utah [Mr. BENNETT], I introduce, for appropriate reference, a bill to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy.

Mr. President, I also submit, for appropriate reference, a concurrent resolution proposing an amendment to the joint rule of the House and Senate to give the President item veto powers over appropriation bills and nonappropriation bills which contain authorizations to borrow money directly from the Treasury.

I am privileged to have the distinguished senior Senator from Virginia [Mr. BYRD] and the distinguished senior Senator from Delaware [Mr. WILLIAMS] as cosponsors of the concurrent resolution.

Mr. President, I ask unanimous consent that the bill and the resolution may lie on the desk until the close of business next Tuesday, January 10, so that other Senators may join in sponsorship of either or both if they so desire.

Mr. President, I ask unanimous consent that an announcement I have made concerning the bill and the concurrent resolution may be printed in the RECORD after these remarks, followed by the texts of the two measures.

The PRESIDENT pro tempore. The bill and the concurrent resolution will be received and appropriately referred; and, without objection, the bill, the concurrent resolution, and the announcement will be printed in the RECORD at this point.

The bill (S. 144) to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy, introduced by Mr. BUSH (for himself and Mr. BENNETT), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Employment Act of 1946 is amended by deleting the final nine words and inserting in lieu thereof the following: "to promote maximum employment, production, and purchasing power, and to maintain a reasonably stable price level."

(b) Section 3(a) of such Act is amended by striking out "and (4)" and inserting in lieu thereof the following: "(4) current and foreseeable trends in price levels prevailing in the economy and the steps, if any, which have been taken to maintain a reasonably stable level of prices; and (5)."

(c) Section 4(a) of such Act is amended by deleting the final seven words of the second sentence and inserting in lieu thereof the following: "purchasing power, and to maintain a reasonably stable level of prices under free competitive enterprise."

(d) Section 4(c)(4) of such Act is amended by striking out "end purchasing power;" and inserting in lieu thereof the following: "Purchasing power, and a reasonably stable price level;".

The concurrent resolution (S. Con. Res. 2) giving the President of the United States the power to veto items in certain bills was received, referred to the Committee on Rules and Administration, and, under the rule, was ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That, effective on the first day of the second regular session of the Eighty-seventh Congress, the joint rule of the Senate and of the House of Representatives contained in section 138 of the Legislative Reorganization Act of 1946 is amended by adding at the end thereof the following new subsection:

"(c) No bill or joint resolution making appropriations or authorizing the borrowing of money directly from the Treasury shall be reported to or considered in either House unless it contains a section which shall read as follows ((1) in the case of any bill (or joint resolution) making an appropriation or (2) in the case of any bill (or joint resolution) authorizing the borrowing of money directly from the Treasury):

"(1) SEC. . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any amount or any provision, whether or not related to an amount, which is contained herein, in the same manner as he may, under said section 7, disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any amount or provision or part thereof so disapproved to the same extent as

they apply to a bill that has been disapproved in its entirety.

"(2) SEC. . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any authorization for borrowing money directly from the Treasury, which is contained herein, in the same manner as he may, under said section 7 disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any authorization or part thereof so disapproved to the same extent as they apply to a bill that has been disapproved in its entirety."

The announcement presented by Mr. BUSH is as follows:

WASHINGTON, January 5.—U. S. Senator PRESCOTT BUSH introduced today two measures which he said were intended to help the Kennedy administration combat inflation and to exercise fiscal responsibility in the National Government.

They were:

1. A price stability amendment to the Employment Act of 1946.

2. A concurrent resolution to give the President item veto power over appropriations bills, and bills authorizing direct borrowings from the Treasury.

Senator BUSH was joined in sponsorship of the price stability amendment by Senator WALLACE F. BENNETT, Republican, Utah, and in sponsorship of the item veto bill by Senators HARRY F. BYRD, Democrat, Virginia, chairman of the Senate Finance Committee, and JOHN J. WILLIAMS, Republican, Delaware, the ranking minority member of that committee.

"The new administration will take office at a time when the United States faces a unique and disturbing crisis," said Senator BUSH, a member of the Senate Banking Committee and ranking minority member of the Joint Economic Committee of the Congress.

"The continued drain upon our gold reserves, resulting from a deficit in our international payments, has weakened confidence in the dollar.

"It is essential that the administration and Congress give first priority to reversing this dangerous trend, and to restoring full confidence in the credit of the United States. Upon that credit depends not only our economic strength, but also our military power, which must remain unquestioned in these times of tension and danger.

"We must make clear to the world our intention to avoid inflationary practices, and to adhere to sound fiscal policies."

The Employment Act is the basic congressional directive to Federal policymaking officials concerning national economic policy. The proposed amendment would add the maintenance of "a reasonably stable price level" to the act's present objectives of "maximum employment, production and purchasing power."

It would also require the President to include in his annual Economic Report to the Congress a statement of "current and foreseeable trends in price levels prevailing in the economy and the steps, if any, which have been taken to maintain a reasonably stable price level."

Both the price stability amendment and the bill to give the President item veto power were introduced in the previous Congress by Senator BUSH.

"It is unfortunate that the Congress did not see fit to act upon these recommendations when they were made by President Eisenhower," Senator BUSH said. "However, these are long overdue reforms which should not be the subject of partisanship. Now that a new administration is assuming office, I hope Congress will grant to the President-elect the added authority he will need to control inflation and keep our fiscal house in order."

PACIFIC INTERNATIONAL HOUSE

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill providing for an investigation by the Secretaries of State and Commerce of the feasibility of establishing in Honolulu a Pacific International House. This would be a center expressly designed to facilitate international trade. Its facilities would include exhibit space, offices and meeting rooms, multilingual secretarial and translation services, a foreign trade reference library and offices for operating a foreign trade zone.

This proposal builds upon the highly successful experience of New Orleans in operating a similar establishment. The New Orleans foreign trade zone, and International House and International Mart have greatly stimulated our trade with Latin America, the commerce flowing throughout the Mississippi basin.

Similar facilities in Hawaii, I am confident, would significantly increase our trade with the nations of Asia and the Pacific basin. In Hawaii merchants from East and West can meet to their mutual advantage in a setting conducive to good business relations.

Since trade and political connections are so intimately related, I also see in the proposed Pacific International House an instrument for strengthening our bonds with the non-Communist nations of the Pacific area. This aspect of the proposed facility has led me to seek the recommendations of the Secretary of State, as well as those of the Secretary of Commerce.

For several years leaders of the Hawaii community have advocated the use of Honolulu's central position for an international business facility. Former Delegate John Burns has proposed creating a foreign trade zone. Lorrin Thurston, editor of the Honolulu Advertiser, has repeatedly urged the establishment of an International House. This proposal, which also has the support of the Hawaii Chamber of Commerce, combines both ideas.

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

The bill (S. 145) to provide that the Secretaries of State and Commerce shall investigate and report to the Congress as to the feasibility of establishing a Pacific International House on Sand Island, Hawaii, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Foreign Relations.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. PROXMIRE. I am today introducing a bill to extend and increase the special milk program for children. I am joined in sponsorship of this measure by Senators AIKEN, CHURCH, HART, HUMPHREY, JAVITS, LONG of Missouri, MAGNUSON, MUNDT, SYMINGTON, TALMADGE, WILEY, YOUNG of North Dakota, MCCARTHY, PROUTY, KEATING, CARROLL, YOUNG of Ohio, KEFAUVER, YARBOROUGH, CARLSON, COOPER, and JACKSON.

This bill would extend the special milk program for children for 1 year beginning July 1, 1961, and would increase the funds available by $10 million, from $95 million to $105 million. It would continue and enlarge a deservedly popular program, and it is fitting that it be presented to the Senate with wide cosponsorship at the first possible opportunity.

It is a special privilege for me at this point to welcome as a cosponsor of this bill the senior Senator from Minnesota and newly chosen majority whip, Senator HUMPHREY, who has been the principal sponsor and spokesman for this program since it was started in 1954. He has been the leader in getting the special milk program for children underway, and in making sure that it developed and grew into the fine, broad program we have today.

Over the years this program has enabled millions of children throughout the country to drink milk each day, at school and in summer camps. Over half of the Nation's children benefit from it. The program is administered locally, with a minimum of redtape. It is of great nutritional value, bringing the benefits of fresh, whole milk to children at an age when they most need it to promote healthy growth.

The special milk program has established a proud record of growth and development. Each year more schools participate, more half pints of milk are distributed, and more children benefit. Each year the amount of funds available through the Commodity Credit Corporation has been increased.

Through this program we have encouraged ever larger numbers of children in more and more schools to drink more milk regularly. The number of schools and child care institutions participating is now over 85,000, and the number of half-pints of milk distributed under the program in the fiscal year 1960 was 2,395 million. The rising popularity of the program is evidenced by the fact that it has grown at the rate of 9 percent per year for each of the past 3 years.

Unfortunately, the program has had a history of running out of funds. Only a year ago schools around the country were informed that the rate of reimbursement paid for each half pint of milk would be cut by half a cent. Fortunately, quick congressional action prevented this reduction, and the growth of the program was able to continue without check.

The bill I am today introducing would extend the program for another year, and would increase the funds available from $95 million to $105 million. A recent Department of Agriculture survey of State school administrators has indicated that the popularity of the program is continuing to rise, and that it can be expected to continue to grow at an annual rate of 9 or 10 percent. The increase of $10 million provided in my bill would enable the program to continue to grow. It would make it possible for

additional schools and more children to participate without danger that funds may be exhausted.

I am pleased to introduce this bill at this time and I ask consent that it may be allowed to lay on the table for 48 hours so that additional Senators may add their names as cosponsors, and that it be printed in the RECORD.

The PRESIDING OFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the desk for 48 hours, as requested by the Senator from Wisconsin.

The bill (S. 146) to extend and increase the special milk program for children, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act to continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in the schools", approved July 1, 1958, as amended (7 U.S.C., sec. 1446 note), is amended by inserting immediately after "$95,000,000," the following: "and for the fiscal year beginning July 1, 1961, not to exceed $105,000,000,".

AMENDMENT OF REORGANIZATION ACT OF 1949

Mr. McCLELLAN. Mr. President, on behalf of myself, the junior Senator from Washington [Mr. JACKSON], the senior Senator from Minnesota [Mr. HUMPHREY], and the senior Senator from North Carolina [Mr. ERVIN], I send to the desk, for appropriate reference, a bill to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

The objective of this proposed legislation is to reinstate the power of the President to submit reorganization plans to the Congress, which, unless disapproved by either the House or the Senate within 60 days after submission, become law.

The Reorganization Act of 1949 was approved by the Congress as a method of expediting reorganizations within the executive branch of the Government. The 1949 act, which was primarily directed toward effecting prompt action on the recommendations of the first Hoover Commission, gave much greater authority to the President than did the 1945 act which had terminated in accordance with its provisions. As approved by the Congress, the 1949 act gave the President much wider latitude in reorganizing the executive branch, permitting him to submit reorganization plans for the creation of new departments within the executive branch at the Cabinet level.

The act was extended after its original expiration date on April 1, 1953, for 2-year periods in 1953, 1955, and 1957. The latter extension was to June 1, 1959.

The President recommended, on January 19, 1959, that the act be extended "to permit further timely improvements in the structure of the executive branch." Pursuant to this recommendation, the Bureau of the Budget transmitted draft legislation to the Congress which proposed that the act be amended to grant the reorganization authority to the President on a permanent basis.

The Committee on Government Operations reported the bill submitted by the Bureau of the Budget, with an amendment extending the provisions of the act for 2 years after its expiration date, or to June 1, 1961. The House of Representatives approved a bill identical to the bill as reported by the Senate Committee on Government Operations, but both bills died on the calendar at the end of the 86th Congress and, unless a further extension is approved by the 87th Congress, the incoming President will be denied the authority to present plans designed to reorganize the Government as he may determine to be appropriate, which authority has been granted in various forms to all Presidents since 1932.

Under provisions of the act, as proposed to be amended by the bill now being filed, such reorganization plans as may be submitted to the Congress by the President before June 1, 1963, would become law unless disapproved by a majority of either the House or the Senate by the passage of a resolution of disapproval within 60 calendar days after submission to the Congress.

Since enactment of the basic statute in 1949, the Committee on Government Operations, as well as its predecessor, the Committee on Expenditures in the Executive Departments, has taken the position that the Congress should not surrender nor abrogate its legislative jurisdiction over matters of such significance on a permanent basis.

In its report to the Senate in the 86th Congress—Senate Report No. 239—the committee stated that it was "the consensus of the committee that the present Congress should not commit succeeding Congresses to the provisions of the Reorganization Act, but that each Congress should have the right to extend this authority to the President or to withdraw it as the necessity dictates at the time."

It is my understanding that both President Eisenhower and President-elect Kennedy will recommend extension of the Reorganization Act, and therefore, it is proposed that the Committee on Government Operations will give early, and I am confident, favorable action on the proposal I have submitted today so that this authority may be made available to the incoming President soon after his inauguration.

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

The bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, introduced by Mr. McCLELLAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

ADJUSTMENT OF LEGISLATIVE JURISDICTION OVER CERTAIN LANDS

Mr. McCLELLAN. Mr. President, on behalf of myself and the Senators from Utah [Mr. BENNETT and Mr. MOSS], I send to the desk for appropriate reference a bill to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes.

The purpose of this proposed legislation is to permit Federal agencies to restore to the States certain jurisdictional authority now vested in the United States, which may be better administered by State authorities, and to establish as congressional policy that the Federal Government will acquire only such jurisdiction as may be necessary in connection with future land procurement.

Under well established principles of law, once legislative jurisdiction has been vested in the United States, it cannot be revested in a State other than by operation of a limitation imposed by the State at the time the State ceded jurisdiction, or by an act of Congress.

The bill specifically declares it to be the policy of the Congress that, first, the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions; and, second, to the extent consistent with the purposes for which the land is held by the United States, the Federal Government shall avoid receiving or retaining concurrent jurisdiction or any measure of exclusive legislative jurisdiction. An overall objective of the bill is to provide that, in any case, the Federal Government shall not receive or retain any of the States' legislative jurisdiction with respect to the qualifications for voting, education, public health and safety, taxation, marriage, divorce, descent and distribution of property, and a variety of other matters, which are ordinarily the subject of State control.

The proposed legislation would authorize the head or authorized officer of any department or independent establishment or agency of the Federal Government to relinquish to the State in which any Federal lands or interests therein under his custody or control are situated, such measure of legislative jurisdiction over such lands or interests therein as he may deem desirable. The bill provides that, with respect to future acquisitions of property, no more jurisdiction than is necessary for the proper performance of the functions of the acquiring agency should be obtained. Any relinquishment of the Federal Government will be subject to acceptance by the State in such manner as the law of such State might provide.

Other provisions of the bill would authorize Federal department and agency heads to issue necessary rules and regulations for the governing of public buildings and other areas under their charge and control, and to provide such reasonable penalties, within prescribed limits, as will insure their enforcement; permit

such heads to utilize the facilities of existing law-enforcement agencies for the enforcement of any such regulations; authorize the General Services Administration to detail special policemen for the protection of Federal property under the charge of other departments and agencies; extend the authority of U.S. commissioners to try and sentence persons committing petty offenses in any place under the charge and control of the United States; extend the right of States and their political subdivisions to serve and execute process in areas under the legislative jurisdiction of the United States, while making it clear that such process may not be served contrary to rules and regulations issued by authorized Federal personnel for the purpose of preventing interference in carrying out Federal functions; and to amend or repeal obsolete or inconsistent Federal statutes.

This proposed legislation was originally drafted by the staff of the committee with the cooperation of the Department of Justice, in order to implement recommendations contained in a report by the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, a committee appointed by the President for the purpose of finding means of solving the problems arising out of the uncertain jurisdictional status of Federal lands situated within the several States. The committee was composed of representatives of eight executive departments and agencies of the Federal Government, including the Bureau of the Budget, which had a principal interest in the problems involved. Twenty-five other agencies of the Federal Government furnished information concerning their properties and problems relating to legislative jurisdiction to the committee. In addition, the Interdepartmental Committee had the assistance and cooperation of the National Association of Attorneys General in its conduct of the study.

Following the introduction of the bill in its original form in the 84th Congress—S. 4196—the Committee on Government Operations forwarded copies to the Governors and attorneys general of the several States and to all interested Federal agencies for comments and recommendations. Reports were received from 36 States—31 State Governors and 29 State attorneys general—all of whom endorsed the objectives of the bill and recommended favorable committee consideration. Certain of the Governors and attorneys general of the States requested that the committee withhold action in the 84th Congress, however, until a study of the provisions of the bill could be completed by the State Committee on Legislative Jurisdiction of the Council of State Governments. That committee was appointed by the president of the council pursuant to a resolution adopted by the States for the purpose of considering this legislation. The committee appointed for this purpose was directed to give consideration to certain suggested amendments to the original bill, and to determine whether or not it would be feasible to extend its provisions beyond its original intent by incorporating certain suggestions made by various State officials.

Upon completion of the study made by the Committee on Legislative Jurisdiction, the staff of the Committee on Government Operations arranged conferences between the representatives of the Council of State Governments and of the Department of Justice for the purpose of perfecting the bill by incorporating appropriate amendments. Following a number of such conferences, during which consideration was given to the various recommendations of the Governors, attorneys general, and the Council of State Governments, an amendment in the nature of a substitute for the language incorporated in the original bill was drafted, with the unanimous approval of representatives of the States and the executive branch of the Federal Government. Consideration was given to all recommendations submitted to the committee by the Governors of the States, and by the National Association of Attorneys General, the National Association of Tax Administrators, and Federal agencies interested in the bill, which were consistent with the objectives of the proposed legislation.

Some of the suggestions submitted to the Committee on Government Operations by certain of the State officials and by the National Association of Tax Administrators dealt with tax matters which were considered to be outside of the scope of the recommendations of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States. Such suggestions were largely concerned with tax problems, such as payments by the Federal Government in lieu of taxes, and so forth, which the committee felt would be considered in separate legislation dealing exclusively with those problems. Specific proposals pertaining to those problems were incorporated in other legislation approved by the committee, and which passed the Senate in the 86th Congress.

The bill I am introducing today is not concerned with tax matters, except to the extent that a transfer of legislative jurisdiction may involve transfer of a power to tax—other than the Government or its property—and also to the extent that there are preserved certain Federal consents to State and local taxation, as embodied in such statutes as the Buck Act and the Lea Act.

In the 86th Congress the committee approved a bill, S. 1617, incorporating the amendments which were considered to be desirable, and in accord with the recommendations of the groups which had cooperated in drafting the bills in the 84th and 85th Congresses, including clarification of the provisions of the bill as they related to civil rights, conservation, Alaska, and Indian lands. Pursuant to a directive from the committee, the staff had contacted officials of the Department of Justice and representatives of the Council of State Governments who assisted in the preparation of the proposed legislation in order to verify that all of them were fully in accord with its provisions.

On May 11, 1959, the committee received a memorandum from Assistant Attorney General Perry W. Morton, clarifying the points raised to the satisfaction of the committee, and on June 18, 1959, the committee ordered S. 1617 reported. Details concerning these and other matters including background and agency comments will be found in Senate Report No. 405 of the 86th Congress.

The measure was debated further on May 27, 1960, and, after the adoption of one clarifying amendment offered by Senator JAVITS, which related to the service of civil and criminal process in Federal areas subject to Federal rules and regulations, the bill was passed without opposition. On May 31, 1960, S. 1617 was referred to the House Committee on Government Operations which took no further action.

The bill I am introducing is identical to the bill approved by the Senate last year.

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

The bill (S. 154) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, introduced by Mr. MCCLELLAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

TO PROVIDE EQUITABLE REIMBURSEMENT TO NEW YORK AND OTHER STATES IN THE FIELD OF HIGHWAY CONSTRUCTION

Mr. KEATING. Mr. President, on behalf of my colleague [Mr. JAVITS] and myself, I introduce for appropriate reference a bill to provide equitable reimbursement to New York and those other States which took the initiative in the field of highway construction without waiting for the Federal highway program of 1956. My bill would provide Federal aid for additional highway construction in any States which had already built more than 10,000 miles of highway approved for incorporation in the nationwide interstate network before 1957. I introduced a similar bill in the House in 1957 and the Senate in 1959.

It is hardly fair, Mr. President, that those States which were the leaders in highway building should today be penalized by paying doubly through tolls or local taxes, as well as Federal taxation for their interstate roads. This bill would rectify a patent inequality by allowing Federal payments up to 90 percent for substitute mileage to be added to the system in addition to roads completed before 1957.

In New York State about 580 miles of the original 1,200-mile interstate mileage allotment would qualify. These highways were built at an original cost of over $1 billion. Under the terms of my bill about $822,800,000 of this would be repaid to New York State for additional road construction as reimbursement for the pre-1957 State expenditures.

New York State would not be alone in benefiting from this bill, which would reward the initiative of every State in highway construction programs on an equal basis. On a national level nearly $5 billion could be reallocated to the various States in substitute mileage credits.

Mr. President, in all fairness, this legislation should be passed so that all of those States which moved ahead on their own, with foresight and determination, are not penalized today by a double taxation on their roads and highways. This bill would make it possible for many States to construct much needed roads in addition to those already planned. It would be a shot in the arm to various parts of the country and the economy. It would enable our Nation's highway system to meet overall national requirements with greater efficiency.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 155) to amend title 23 of the United States Code relating to highways, in order to permit States having toll and free roads, bridges, and tunnels designated as part of the National System of Interstate and Defense Highways to designate other routes for inclusion in the Interstate System, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter I of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 132. Designation of additional routes for Interstate System

"(a) In the case of each State having a toll road, bridge, or tunnel, the construction of which was completed after August 2, 1947, and which was approved by the Secretary as a part of the Interstate System before January 1, 1959, the Secretary shall, on application by the State, approve as part of the Interstate System, other routes within such State designated in accordance with section 103 of this title, which do not exceed in length the number of miles of all such toll roads, bridges, and tunnels within such State. The total of all Federal funds payable under this title for all routes in a State approved under this subsection as part of the Interstate System shall not exceed 90 per centum of the depreciated cost to that State of all completed and partially completed toll roads, bridges, and tunnels, the construction of which was completed after August 2, 1947, and which were approved by the Secretary as part of the Interstate System before January 1, 1959, as such depreciated cost is established in table A-5a on pages 28 and 29 of House Document Numbered 301, Eighty-fifth Congress, plus a percentage of the remaining 10 per centum of such depreciated cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that the total Federal funds payable for all routes approved under this subsection in any one State as a part of the Interstate System shall not exceed 95 per centum of such depreciated cost.

"(b) In the case of each State having a free road, bridge, or tunnel, the construction of which was completed after August 2, 1947, and which was approved by the Secretary as a part of the Interstate System before January 1, 1959, the Secretary shall, upon application by the State, approve as part of the Interstate System, other routes within such State designated in accordance with section 103 of this title which do not exceed in length the number of miles of all such free roads, bridges, and tunnels within such State. The total of all Federal funds payable under this title for all routes in a State approved under this subsection as part of the Interstate System shall not exceed (1) 90 per centum of the depreciated cost to that State of all completed and partially completed free roads, bridges, and tunnels, the construction of which was completed after August 2, 1947, and which were approved by the Secretary as part of the Interstate System before January 1, 1959, as such depreciated cost is established in table A-5b on pages 30 and 31 of House Document Numbered 301, Eighty-fifth Congress, plus a percentage of the remaining 10 per centum of such depreciated cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that the total Federal funds payable under this title for all routes approved under this subsection in any one State as part of the Interstate System shall not exceed 95 per centum of such depreciated cost, (2) less all amounts received as the Federal share on account of such free highways, bridges, or tunnels under any provision of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), or of any Act amendatory thereof or supplementary thereto."

SEC. 2. Subsection (d) of section 103 of title 23 of the United States Code is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and "plus the total of all mileage approved as part of the Interstate System under section 132 of this title."

SEC. 3. Paragraph 5 of subsection (b) of section 104 of title 23 of the United States Code is amended by striking out the last sentence.

SEC. 4. The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"132. Designation of additional routes for Interstate System."

GERALD E. HELMER

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill for the relief of the estate of Gerald E. Helmer. Gerald E. Helmer was a young man who resided in Sweet Home, Oreg. On his 25th birthday, while in the employ of the U.S. Forest Service, he died in a tragic airplane accident, that not only took his life but the lives of three other employees engaged in combating forest fires in the Okanogan National Forest in Washington State.

Gerald was employed on a temporary basis in a hazardous activity, his job being designated as "Fire Control Aide (smokejumper)." There were no living witnesses to the accident that took the lives of four fine young men, but the report submitted by the Board designated to investigate the accident indicates that about 6:45 p.m. on June 23, 1958, a U.S. Forest Service twin-engine Beech airplane was on a mission carrying paracargo to forest firefighters in the Okanogan National Forest when they crashed into a ridge, apparently due to a severe downdraft. After crashing, the airplane burned, resulting in the deaths of all on board and the complete destruction of the plane.

Gerald's father, Mr. Fred G. Helmer of Sweet Home, Oreg., brought this sad occurrence to my attention. In the course of our correspondence and our conversations, I was deeply concerned when I learned that the father had applied as a beneficiary under the Federal Employees Group Life Insurance Act of 1954, only to be advised that the benefits of the act would not apply to Gerald's survivors.

The exclusion of benefits for Gerald's parents in this case was based upon a technical interpretation of the Federal Employees Group Life Insurance Act of 1954 and was explained by the U.S. Civil Service Commission in this language:

The Federal Employees' Group Life Insurance Act of 1954 authorized the Commission to exclude by regulation those employees "on the basis of the nature and type of employment or conditions pertaining thereto such as, but not limited to, short term appointments, seasonal or intermittent employment, part-time employment, and employment of like nature." In the exercise of this directive, the Commission excluded (among others) "Employees serving under appointments limited to 1 year or less," with one exception not here material.

The act further stipulated that no employee or group of employees should be excluded solely on the basis of the hazardous nature of employment. This shows congressional intent that hazardous duty personnel should be treated equally with other employees and no such exclusion has, of course, been effected. However, there is no indication in the law or its legislative history that the Congress intended or expected such persons to be placed in a preferred category over others holding similar temporary appointments.

On Septembr 14, 1960, I wrote to Chairman Roger W. Jones of the Civil Service Commission inquiring whether upon further consideration of this case, the Commission could take administrative action to extend coverage of the act to this case. Under date of October 17, 1960, Executive Director Warren B. Irons of the U.S. Civil Service Commission advised:

We could not take favorable administrative action to extend insurance coverage to the late Gerald E. Helmer who died in June 1958. Were the law not specific in directing exclusion of persons serving under short-term appointments so that a regulation change in this area might be considered, such change could not operate prior to its date of issuance.

Previously, Mr. Fred Helmer had explored the possibility of receiving compensation for the death of his son under the Federal Employees' Compensation Act. This effort proved to be of no avail. On March 5, 1959, the Bureau of Employees Compensation issued an order rejecting Mr. Helmer's claim upon the basis that "the claimant-father did not allege that he was either wholly or partially dependent upon the decedent at the time of the death."

It seems to me that upon the merits of this case, the least our Nation could do on behalf of those who survived Gerald Helmer is to provide some compensation by way of an insurance payment resulting from the death of this Government employee while performing official duties of a hazardous nature in protecting extremely valuable natural resources against the ravages of fire.

This case warrants serious and sympathetic consideration by the committee to which it is referred. I hope the committee will act favorably and promptly on this private relief bill.

EXTENSION OF INSURANCE COVERAGE TO FEDERAL EMPLOYEES ENGAGED IN HAZARDOUS ACTIVITIES

Mr. President, the sad case of the late Gerald Helmer, which I have just discussed, brings to mind a serious gap in the coverage of the Federal Employees' Group Life Insurance Act of 1954.

As the law is presently drafted and interpreted, temporary Federal employees are not protected by the group insurance program. Where temporary employees are engaged in hazardous activities, as was the late Gerald Helmer, it seems to me that the existing law is deficient to a high degree.

If any employees need Federal group life insurance benefits, those engaged in hazardous activities have that need. The fact that employees work only temporarily on hazardous Federal jobs, such as those in the Forest Service fighting fires, does not by one whit diminish the need. An employee engaged in hazardous temporary employment is just as much in need of life insurance benefits as Federal employees engaged in hazardous activities on a permanent employment basis.

It seems to me that the law on this subject has been drafted but with one principal thought in mind; namely, that certain additional expense to the Government and certain administrative inconvenience may result if we provide group life insurance coverage to temporary employees engaged in hazardous activities. By taking this attitude, we demonstrate that in this type of case we are placing human values far below economic and administrative values. To me, this is unthinkable.

In order to correct the existing glaring deficiency in the law relating to Federal employees group life insurance coverage for temporary employees engaged in hazardous activities, I introduce for appropriate reference a bill to amend the existing act so as to extend insurance coverage to certain employees engaged in hazardous activities.

It is my hope that the committee to which this bill is referred will give it serious and favorable consideration, because it is designed to correct a glaring deficiency in the present law. Therefore, I send to the desk these two bills, one dealing directly with the case of Gerald E. Helmer, and the other seeking to amend, for the benefit of any future employee who suffers the same tragedy or similar tragedy, an amendment to the act itself. I ask that the two bills be printed at this point in my remarks.

In concluding my comment on this problem, I should like to say that governmental functions have so changed over the decades that today we find the Federal Government unquestionably the largest employer in America in activities that in a very real sense can be considered at least only quasi-governmental, if not 100 percent proprietary, and I respectfully submit that when the Forest Service is engaging in firefighting activities and employing people to risk their lives in protecting not only private property but public property as well, the Federal Government has the same moral obligation as a private employer would have to see to it that during the course of that employment, whether it is temporary or permanent, all employees are treated alike when it comes to protecting them in connection with the risks they run in a hazardous occupation.

What do Senators think would happen by way of criticism if a private industry of this country, such as United States Steel or Ford Motors, or any other large employer in this country, had one policy for protecting the lives of their employees who are on the permanent payroll and no protection for their employees on a temporary payroll, although they were doing exactly the same kind of hazardous work? Can we not hear the criticism, and rightly so, that United States Steel and Ford Motors would receive from the American public?

Let me point out to the American taxpayers that they are the employers of the Gerald Helmers. Through their Government the taxpayers have the moral obligation to see to it that the Government, through law, follows a course of action which carries out what anyone will agree is a clear moral obligation.

All I have done this afternoon is to point out this injustice in an individual case and this defect in a law which will apply generally to similar cases in regard to temporary employees in hazardous jobs.

I make my plea that the Government recognize, through the Congress, its moral duty to see to it that justice is done to the estate of Gerald Helmer, and that justice be done to all other employees who may suffer such a tragedy as Mr. Helmer suffered.

Before I ask to have the bill referred, I wish to make it very clear that I have no intention in any way of complicating the procedural situation which now confronts the Senate. It has been suggested by the Senator from New York [Mr. KEATING], and the Senator from Pennsylvania [Mr. CLARK], in a note which they have handed to me, that I should ask parliamentary instruction whether or not, if I ask for the introduction and referral of the bill outside the morning hour, it might be considered as being acted upon as other business, which will imperil the rule debate. So I should like to ask unanimous consent that I may offer the bill without it in any way imperiling the rulings which have already been handed down with regard to the fact that this business can be transacted and not be considered proceeding under that rule.

The PRESIDING OFFICER (Mr. METCALF in the chair). Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered. Without objection, the bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. MORSE, were received, read twice by their titles, referred as indicated, and ordered to be printed in the RECORD, as follows:

To the Committee on the Judiciary:

S.159. A bill for the relief of the estate of Gerald E. Helmer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Gerald E. Helmer, formerly of Sweet Home, Oregon, who suffered accidental death in consequence of an airplane crash which occurred at Winthrop, Washington, on June 23, 1958, incident to his temporary employment with the United States Forest Service, Department of Agriculture, an amount equal to the amount which would have been payable to his estate if, at the time of his death, he had been entitled to benefits under the Federal Employees' Group Life Insurance Act of 1954, and had designated his estate as the recipient of such benefits: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

To the Committee on Post Office and Civil Service:

S. 161. A bill to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to certain employees engaged in hazardous activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091(a)), is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and in no event shall any employee regularly engaged in a hazardous activity be excluded on the basis of his serving under a short term appointment, seasonal or intermittent employment, part-time employment, or under any other employment of a like nature.".

JURISDICTION FOR THE DOMESTIC RELATIONS BRANCH OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA TO HEAR AND DETERMINE THE ADOPTION PETITION OF MARIE TALIAFERRO

Mr. MORSE. Mr. President, I introduce for appropriate reference a private bill to confer upon the domestic relations branch of the municipal court of the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro.

The facts of the matter, as I was given to understand them, are that under

existing law the court lacks jurisdiction to hear the petition filed by Marie Taliaferro for the adoption of a child to whom she has given shelter and provided custody for the past 7 years.

The bill, if enacted, would not interfere with the discretion of the court in the disposition of the case; it would merely afford the court an opportunity to hear the case, an opportunity which it does not presently enjoy.

This is another example of asking our Government to do those humane things that we expect people to do in human relations. The Government, in my judgment, has the same obligation to correct such injustices. It is a very simple bill. It is a bill which speaks for itself so far as its humanity is concerned. I ask unanimous consent that it may be printed at this point in my remarks, under the previous ruling.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, the bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 158) to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) jurisdiction is hereby conferred upon the domestic relations branch of the municipal court for the District of Columbia to hear, determine, and render a final or interlocutory decree of adoption upon, the petition for adoption filed by Marie Taliaferro and now pending before such court (adoption No. A52-60).

(b) Proceedings for the determination of such petition shall be in the same manner as in the case of a petition for adoption regularly filed under the provisions of the Act entitled "An Act to prescribe and regulate the procedure for adoption in the District of Columbia," approved June 8, 1954 (68 Stat. 240), except that the provisions of section 4 of such Act providing that no petition shall be considered by the court unless petitioner's spouse, if he has one, joins in the petition shall not be applicable.

SEC. 2. Nothing in this Act shall be construed as directing the domestic relations branch of the municipal court for the District of Columbia to grant the petition for adoption referred to in the first section of this Act.

THOMAS O. TATE, JR.

Mr. MORSE. Mr. President, under the same understanding of the parliamentary situation indicated before, I introduce for appropriate reference a bill for the relief of Mr. Thomas O. Tate, Jr., of Rogue River, Oreg. Mr. Tate retired as a temporary chief warrant officer from the U.S. Navy, holding a permanent enlisted rank. In other words, he held a dual status as a permanent enlisted man and temporary officer. While in that status, he was appointed by the Camp White Domiciliary, Camp White, Oreg., as a stationary boiler fireman. This assignment became effective on January 4, 1960. Personnel officials at the Camp White Domiciliary considered his appointment to this position as proper and not a violation of dual compensation procedures. In reaching this conclusion, they relied upon instructions under the act of June 30, 1932 as amended.

Subsequent to this appointment, Mr. Tate received a letter from the U.S. Navy Finance Center, Cleveland, Ohio, under date of February 24, 1960, advising him that in the Navy Department's opinion his appointment violated the dual appointment restriction of the act of July 31, 1894. The letter indicated that his employing agency, the Camp White Domiciliary, had been so advised, because the appointing officer of that agency maintained final authority over the determination concerning a possible violation of the dual appointment restriction.

Mr. Tate, after receiving this information, acted in complete good faith. He discussed the problem with the personnel officer at Camp White. The personnel officer advised Mr. Tate that it was his opinion that the appointment was not a violation of the act of 1894, but came under the act of June 30, 1932, and that the Naval Finance Center would be so informed.

Under date of March 18, 1960, the Camp White Domiciliary received a naval speed letter stating that Mr. Tate's appointment was in violation of the act of 1894. Mr. Tate again discussed the matter with Camp White officials and continued in his employment for several days pending a decision from the Central Office of the Veterans' Administration in Washington, D.C., on his case. The Veterans' Administration central office then ordered his removal and termination of salary. The General Accounting Office, subsequent to this action, ordered the Camp White fiscal officer to collect $912.71, the net amount paid to Mr. Tate during his employment at the domiciliary.

Mr. President, I have reviewed my file of correspondence with Mr. Tate and feel that it would be a grave injustice for him to repay the Government the wages he earned during his employment at the Camp White Domiciliary. To enforce a repayment penalty against one who acted in good faith in accepting an appointment and who performed services for the Government pending the ironing out of a difficult legal point by Government experts on statutory construction, would be to impose a grave injustice on a person who acted honestly and without the slightest attempt to conceal a single fact.

I have received a very favorable report on this subject from the Comptroller General's office which states:

Concerning the matter of relief legislation, ordinarily, we do not favor legislation which grants preferential treatment to a single individual over others similarly situated. Since it appears, however, that the dual compensation payments in this case were due to a misunderstanding by the Veterans' Administration of the law and our decision, and since Mr. Tate does not appear to have been at fault, our Office would interpose no objection to the enactment of such legislation.

The bill is drafted in such form as to relieve Mr. Tate from all liability to repay to the United States the sum of $1,062.92, representing his total salary during the period from January 4, 1960, through April 1, 1960, while he was an employee of the Veterans' Administration. I hope that the committee, to which this bill is referred, will agree with me that there are strong equities in favor of Mr. Tate and that action to relieve him from this potential liability would be in the interest of fairplay and justice.

I ask that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 160) for the relief of Thomas O. Tate, Jr., introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas O. Tate, Junior, chief warrant officer, United States Navy, retired, of Rogue River, Oregon, is hereby relieved of all liability to repay to the United States the sum of $1,062.92, representing salary paid him during the period from January 4, 1960, through April 1, 1960, while he was an employee of the Veterans' Administration, in violation of the Act of July 31, 1894 (28 Stat. 162), as amended, the said Thomas O. Tate, Junior, having been erroneously advised by the Veterans' Administration prior to his employment that such Act was not applicable to him.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Thomas O. Tate, Junior, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

CHERIE HELEN BRATTON

Mr. MORSE. Madam President (Mrs. NEUBERGER in the chair), in accordance with the previous unanimous-consent agreement entered into by the Senate, I proceed now to introduce another private bill.

I introduce, for appropriate reference, a bill for the relief of Cherie Helen Bratton, the adoptive daughter of Miss Nancy Bratton of Creswell, Oreg.

Miss Bratton is a former Texan who came to Oregon to teach in the public school system of Springfield, Oreg. She is a remarkable lady who obtained a college education through sheer perseverance and hard work while assisting in the support of her mother.

Recently she learned that it might be possible for her to adopt, by proxy, a Korean minor child through the Child Placement Service, Seoul, Korea. Through the service she adopted 5-year old Cherie Helen and now wishes to bring her to the United States. My bill is designed to achieve that objective.

Madam President, I have reviewed carefully my file of correspondence with

Miss Bratton and the many fine character references on her behalf. All of these documents indicate that Miss Bratton is a most admirable person and one who will provide an excellent home for Cherie Helen. As I told Chairman EASTLAND of the Senate Committee on the Judiciary when I wrote to him on October 21, 1960, relative to this case, it represents one of the most genuine manifestations of Christian charity that it has ever been my pleasure to consider.

On August 31, 1960, I introduced a comparable bill, S. 3919 of the 86th Congress, to enable the subcommittee to proceed with its investigation as promptly as possible. As a result, the staff of the Immigration Subcommittee of the Senate Committee on the Judiciary has done a considerable amount of preliminary work on the case.

This bill has great merit, and I trust that the Committee will be able to issue a favorable report in the very near future.

I ask unanimous consent that the bill be printed at this point in the RECORD and be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 164) for the relief of Cherie Helen Bratton, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Cherie Helen Bratton, shall be held and considered to be the natural-born alien child of Nancy Bratton, a citizen of the United States: *Provided,* That the natural parents of the said Cherie Helen Bratton shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PROPOSED REPORTING OF FINANCIAL ASSETS AND SOURCES OF INCOME

Mr. MORSE. Madam President, beginning in 1946, I have introduced into each Congress legislation requiring that each Member of Congress make public his financial assets and sources of income. Recently, I have added to my original bill that every person on the Federal payroll receiving a salary in excess of $10,000 a year, and certain officers of our political parties, make public his or her sources of income, including any gifts or other assets received by someone else to be held in trust for the individual who is in Government or party employ. In a moment, I shall introduce this legislation again.

This is a problem that we hear most about when some scandalous situation occurs, usually involving a degree of conflict of interest in some part of the executive branch of the Government. It is invariably discussed when Cabinet appointments are made, and it will be discussed again this year as we pass upon the qualifications of the new Cabinet appointees.

With the nomination of Robert McNamara to be Secretary of Defense, the subject matter my bill deals with arises again. Press reports indicate that in order to comply with the laws against conflict of interest, Mr. McNamara must dispose of several million dollars of assets he owns, or anticipates he would receive, in the Ford Motor Co. He must dispose of these assets in order to qualify for a job which pays $25,000 a year.

On December 18, 1960, there appeared in the Washington Post an article by Mr. Joseph R. Slevin of the Herald Tribune news service concerning the conflict of interest problem and our failure to deal with it adequately. The author comes to the same conclusion I came to in 1947 when I first prepared this legislation. Mr. Slevin states in part:

> Washington long has been cynically aware that the same Congressmen who are so determined to shield appointive officials from conflicts of interest build no such fences around themselves. * * * But it is no more possible—or desirable—to legislate integrity among Congressmen than among appointive officials. If there is to be an antidote, perhaps the best solution would be a disclosure law that would apply equally to Congressmen, Senators, and appointive officials.

Madam President, I am hopefully introducing my full disclosure bill once again. I say "hopefully" because I hope there will be some action on it or a similar measure before we hear again about the use of public office for private gain in some branch of the Federal Government.

I wish to make very clear, Madam President, that I will accept any modification of this bill or amendment of this bill that hearings can show is justified and would improve the situation from that which my bill itself would create. The main thing, Madam President, in my judgment, is to pass some legislation on this subject, so that the public will have full disclosure of the sources of income and the amounts of income of their public servants. I do not consider that such a law would be an invasion of privacy, because the decision to enter public service is reserved to the individual, and I believe the public has a right to know what may be the sources and amounts of income of any public servant, so that the public may judge for itself whether there is any cause-and-effect relationship between the income of the individual employees and the action of public officials.

Madam President, I send this bill to the desk, for appropriate reference, and ask that the text of it be printed at this point in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 165) to require Members of Congress, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities, introduced by Mr. MORSE (for himself and Mr. HUMPHREY), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each Member of the Senate and House of Representatives (including each Delegate and Resident Commissioner); each officer and employee of the United States who (1) receives a salary at a rate of $10,000 or more per annum or (2) holds a position of grade GS-15 or above, and each officer in the Armed Forces of the rank of colonel, or its equivalent, and above; and each member, chairman, or other officer of the national committee of a political party shall file annually with the Comptroller General a report containing a full and complete statement of—

(1) the amount and resources of all income and gifts (of $100 or more in money or value, or in the case of multiple gifts from one person, aggregating $100 or more in money or value) received by him or any person on his behalf during the preceding calendar year;

(2) the value of each asset held by or entrusted to him or by or to him and any other person and the amount of each liability owed by him, or by him together with any other person as of the close of the preceding year; and

(3) the amount and source of all contributions during the preceding calendar year to any person who received anything of value on his behalf or subject to his direction or control or who, with his acquiescence, makes payments for any liability or expense incurred by him.

SEC. 2. Each person required by the first section to file reports shall, in addition, file semiannually with the Comptroller General a report containing a full and complete statement of all dealings in securities or commodities by him, or by any person acting on his behalf or pursuant to his direction, during the preceding six-month period.

SEC. 3. (a) Except as provided in subsection (b), the reports required by the first section of this Act shall be filed not later than March 31 of each year; and the reports required by section 2 shall be filed not later than July 31 of each year for the six-month period ending June 30 of such year, and not later than January 31 of each year for the six-month period ending December 31 of the preceding year.

(b) In the case of any person required to file reports under this Act whose service terminates prior to the date prescribed by subsection (a) as the date for filing any report, such report shall be filed on the last day of such person's service, or on such later date, not more than three months after the termination of such service, as the Comptroller General may prescribe.

SEC. 4. The reports required by this Act shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, and dealings in securities or commodities, when separate itemization is not feasible or not necessary for an accurate disclosure of a person's income, net worth, or dealings in securities, and commodities.

SEC. 5. Any person who willfully fails to file a report required by this Act or who willfully and knowingly files a false report shall be fined $2,000 or imprisoned for not more than five years, or both.

SEC. 6. (a) As used in this Act—

(1) The term "income" means gross income as defined in section 22(a) of the Internal Revenue Code.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (U.S.C., title 15, sec. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (U.S.C., title 7, sec. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(5) The term "person" includes an individual, partnership, trust, estate, association, corporation, or society.

(b) For the purposes of any report required by this Act, a person shall be considered to be a Member of the Senate or House of Representatives, an officer or employee of the United States and of the armed services as described in the first section of this Act, or a member, chairman, or other officer of the national committee of a political party, if he served (with or without compensation) in any such position during the period to be covered by such report, notwithstanding that his service may have terminated prior to December 31 of such calendar year.

SEC. 7. The Comptroller General shall have authority to issue, reissue, and amend rules and regulations governing the publication of reports, or any part of them. He shall prescribe fees to cover the cost of reproduction. In formulating such rules and regulations, he shall seek to maximize the availability of reports for purposes of informing the public and agencies and officials of the Federal and local governments, and to minimize use of such records for private purposes.

PREMERGER NOTIFICATION BILL

Mr. KEFAUVER. Mr. President, it is my pleasure to reintroduce today in the 87th Congress the so-called premerger notification bill. This bill was introduced in the 86th Congress by Senator Joseph C. O'Mahoney, our beloved former colleague, who worked long and untiringly to obtain legislation designed to stem the dangerous trend toward increased concentration in American industry. Similar bills were introduced in the 84th and 85th Congresses. It was my privilege to join with Senator O'Mahoney in sponsoring this legislation and in conducting the extensive hearings which were held on these various bills by the Antitrust and Monopoly Subcommittee.

With one minor exception this bill provides only for procedural changes in the Clayton Antitrust Act designed to fortify the authority of the Department of Justice and the Federal Trade Commission in their antimerger work. First, it would require corporations of significant size to provide advance notice of proposed mergers and acquisitions and to wait for a period of 60 days before consummating the transaction. Secondly, the bill vests the Federal Trade Commission with authority to secure preliminary court injunctions to restrain proposed mergers before their consummation or to maintain the status quo.

The only substantive change in the Clayton Act which would be brought about by this bill is the provision making section 7 of the act applicable to transactions where either the acquiring corporation or the corporation from which stock or assets are acquired is engaged in interstate or foreign commerce. At present, the Clayton Act is applicable only where the corporation from which stock or assets are acquired is engaged in such commerce.

Legislation of this kind has in the past received the active support of President Eisenhower, the President's Cabinet Committee on Small Business, the Attorney General, the Federal Trade Commission, the Department of Commerce, and the Small Business Administration. In the Economic Report of the President transmitted to the Congress in January of 1960 a strong recommendation was made to improve the antitrust laws by requiring firms of significant size to notify the antitrust agencies in advance of their proposals to merge. The report also recommended that the Federal Trade Commission be authorized to seek preliminary injunctions in merger cases where a violation of law is likely.

Another recommendation contained in this report for improving the antitrust laws would authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of antitrust laws. I introduced the bill S. 716, referred to as the civil investigative demand bill, to accomplish this latter purpose. After extensive hearings the Senate approved this legislation. No action was taken in the House before the 86th Congress adjourned. It is my strong belief that the premerger notification bill I am now introducing is a necessary adjunct to the authority which the Senate approved last year in the civil investigative demand bill. The authority provided in each of these bills effectively supplements each other in strengthening the hands of the antitrust enforcement agencies.

President-elect Kennedy has announced his firm determination to proceed vigorously in enforcing the antitrust laws. The enactment of this legislation will represent a vital step in advancing the New Frontier on the economic front. The new administration is pledged to improving the prestige of the United States abroad. An essential part of this mission will be to improve the operation of our free enterprise system at home.

In the 1960 yearend report to the Attorney General, the Assistant Attorney General in charge of the Antitrust Division announced that the enforcement of section 7 of the Clayton Act "ranks among our most important activities, absorbing a good portion of the Antitrust Division's resources." For the fiscal year 1960, the Department of Justice examined over 1,100 mergers and began investigations into 146 of these. Thirteen cases were filed. In the previous year, 950 mergers were examined, resulting in 107 investigations and 6 merger cases filed. The Federal Trade Commission reported that 776 mergers were examined in the first 9 months of 1960.

With increased emphasis upon antimerger activity in both the Department of Justice and the Federal Trade Commission, it is urgent that the Congress act speedily to give these agencies the necessary tools to do the most effective job. Heretofore, the Congress has been dilatory in proceeding with proper speed to enact this needed legislation. However, I feel confident that, with more vigorous leadership at the executive level, the Congress will join forces with the President in moving full speed ahead.

When this bill came before the Judiciary Committee in the 86th Congress, it was sent back to the Antitrust Subcommittee for additional hearings to supplement those previously held in the 85th Congress. As a result of these additional hearings, the Antitrust Subcommittee voted to approve this bill. It is not my purpose today to describe in detail the specific provisions of the bill or the changes which were recommended by the Antitrust Subcommittee, and which are incorporated in this bill. I believe it is sufficient for our purposes to state only that the changes were designed to minimize the hardships upon the business community of the notification and waiting requirements. Excluded from the bill's scope are a large number of business transactions engaged in by small and medium size corporations which have no significant impact upon competition.

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

The bill (S. 166) to amend the Clayton Act, as amended, by requiring prior notification of corporate mergers and acquisitions, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

PRODUCTION OF DOCUMENTARY EVIDENCE

Mr. KEFAUVER. Mr. President, I send to the desk for appropriate reference a bill to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws and for other purposes.

In the first session of the 86th Congress I introduced S. 716 which was very similar to the bill I am now introducing. S. 716 was reported by the Judiciary Committee with some amendments. The committee recommended that the bill as amended pass. The bill I am introducing today is identical with the bill reported by the Judiciary Committee to the floor of the Senate.

The purpose of the proposed legislation is to enable the Attorney General or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice to obtain documentary evidence needed in civil investigations for the enforcement of the antitrust laws in civil cases. As the law now stands, the civil investigations in which the involved parties refuse to cooperate in furnishing necessary documentary evidence, the Attorney General must either authorize the holding of a grand jury and use the subpena power of the grand jury to obtain the withheld evidence or he must risk filing a civil complaint without having complete information and undertake to obtain necessary evidence after the filing of the complaint through the use of the Federal Rules of Civil Procedure such as interrogatories, motions to produce documents, depositions, et cetera.

It seems to me that the holding of a grand jury investigation and the use of criminal subpena power for the development of a civil case is a harsh method for the procurement of civil evidence, resulting in delay and inconvenience for the Government and probable embarrassment to businessmen against whom there does not appear to be any just cause for criminal proceedings. Under the alternative of filing a civil complaint and then proceeding under the Rules of Civil Procedure to obtain necessary information and evidence, the Department of Justice must proceed at a considerable risk of having to dismiss a complaint because their belief of a civil violation is not supported when all of the evidence has been obtained. Since the Department in such a case is proceeding without full information, it may become necessary to further delay the prosecution of the civil case by substantial amendments to the complaint in order to make it conform to the evidence which the Department should have had prior to the filing of the complaint.

This bill which I am introducing, and which was recommended by the Judiciary Committee in the 86th Congress, in my opinion, would remedy this weakness in the enforcement of the antitrust laws by the Department of Justice and make its civil enforcement of those laws much more effective.

It has been my observation in my work in the antitrust field in the Senate, and persons of long experience in antitrust enforcement also have told me, that obtaining evidence for the enforcement of the antitrust laws has become much more difficult than in the early years of the antitrust enforcement program. One of the reasons for this situation is the inadequacy of the power of the Attorney General to obtain access to documentary evidence expeditiously and at the most appropriate time—that is, before a decision must be made on whether a complaint should be filed and before the filing of the complaint.

I believe that this bill should be passed and would be in the public interest. Mr. President, I request that the bill lie on the table for 5 days in order that any other Senators who wish to cosponsor it may have the opportunity of doing so.

The PRESIDING OFFICER. The bill will be received, appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Tennessee.

The bill (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

SHERMAN ACT AND FEDERAL TRADE COMMISSION ACT APPLICABLE TO BASEBALL

Mr. KEFAUVER. Mr. President, I am introducing a bill to make the Sherman Act and the Federal Trade Commission Act applicable to the organized team sport of baseball and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes. This bill is the same as S. 3483 which I introduced in the 86th Congress. It has two principal purposes; namely, the correction of the discriminations and inequities which were created by the conflicting decisions of the Supreme Court in applying the antitrust laws to the different sports and the granting to each of the four professional team sports exemptions from the antitrust laws and the Federal Trade Commission Act which are believed necessary to allow those sports to exist without undue legal harassment.

The bill is divided into two titles. Title I grants exemptions from the Sherman Act and the Federal Trade Commission Act to the professional sports of football, basketball, and hockey. Title II places professional baseball under the Sherman Act and the Federal Trade Commission Act since the Supreme Court held that professional baseball was not a business within the application of those acts, and in later decisions indicated its belief that the reversal of the Supreme Court's old decision by placing baseball under the antitrust laws should be left to the Congress since the Congress was in better position to do so. Title II then exempts from the Sherman Act and the Federal Trade Commission Act certain agreements and actions by professional baseball which are needed for the continued success and growth of the professional sport.

The exemptions as to all of the sports include actions and agreements necessary to permit the organized sports to provide for, first, the equalization of competitive playing strengths; second, the employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts; third, the right to operate within specific geographic areas with certain limitations on that right; and, fourth, the preservation of public confidence in the honesty in sports contests.

The exemption for the sport of baseball with respect to the reservation, selection or assignment of player contracts has certain limitations which are not applied to the other sports due to circumstances with respect to players which are peculiar to organized baseball and do not exist in the other sports.

The bill also provides with respect to all of the sports named in it an exemption from the antitrust laws to which I have referred with respect to telecasting of professional games. This exemption is so qualified as to prevent the destruction of college football by telecasting professional games into the home territory of a college game when the college game is being played without the consent of the colleges holding the game. Since the sports other than baseball do not have minor league clubs, the destruction of college games is the only problem involved in telecasting by the professional clubs in those sports. However, in baseball there is a minor league system which appears to be necessary to the success and growth of the major leagues. It, therefore, is necessary to give protection to the minor leagues in the telecasting of major league games. This protection is afforded in title II of the bill. A major league club may not telecast in the home territory of a minor league game during the time when that game is being played without written consent of the minor league club. In order that a minor league club which may desire to permit telecasting provided they are compensated for the losses incurred through such telecasting by the major league, the bill provides that organized baseball can work out agreements with respect to the distribution of all or any part of the revenues received from telecasting any or all contests in the sport of baseball.

The similar bill introduced in the 86th Congress received the support of the National College Athletic Association, and the sports affected by the bill other than organized baseball. In the hearings on the bill in the 86th Congress the Subcommittee on Antitrust and Monopoly has repeatedly suggested to organized baseball that it should adopt rules which would remedy the situation with respect to player control. It has been my hope that baseball would take such action but thus far no adequate action in this respect has been taken, in my opinion. You, I am sure, have read in the press the difficulties which confronted the proposed Continental League and which have recently confronted the new teams which have been added to the existing American and National Leagues. It does not appear too promising at this time for the success of the four new teams during the coming season, which, in my opinion, results very largely from the monopoly situation with respect to players now existing in organized professional baseball.

Mr. President, I hope that this bill will pass, and I request that it lie on the table for 5 days in order to afford any other Senators who desire to cosponsor it that opportunity.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Tennessee.

The bill (S. 168) to make the Sherman Act and the Federal Trade Commission Act applicable to the organized team sport of baseball and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to authorize the establishment of a national wilderness preservation system, and for other purposes. I ask unanimous consent that the text of the bill together

with the attached statement regarding wildernesses be printed in full in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 174) to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 174

A bill to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act."

WILDERNESS SYSTEM ESTABLISHED

Statement of policy

SEC. 2. (a) The Congress recognizes that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas within the United States and its possessions except those that are designated for preservation and protection in their natural condition. It is accordingly declared to be the policy of the Congress of the United States to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a national wilderness preservation system to be composed of federally owned areas in the United States and its possessions to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

Definition of wilderness

(b) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive, and unconfined type of recreation; (3) is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Extent of system

SEC. 3. (a) The national wilderness preservation system (hereafter referred to in this Act as the "wilderness system") shall comprise (subject to existing private rights) such federally owned areas as are established as part of such system under the provisions of this Act.

National forest areas

(b) (1) The wilderness system shall include all areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided,* That the areas classified as primitive shall be subject to review as hereinafter provided. Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph C, section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. Before the convening of Congress each year, the President shall advise the United States Senate and the House of Representatives of his recommendation with respect to the continued inclusion within the wilderness system, of each area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided,* That the President may, as part of such recommendations, alter the boundaries existing on the date of this Act for any primitive area included, to exclude portions not predominantly of wilderness value or to add any adjacent area of national forest lands that are predominantly of wilderness value. The recommendation of the President with respect to each area shall become effective subject to the provisions of subsection (f) of this section.

(2) The purposes of this Act are hereby declared to be within and supplemental to but not in interference with the purposes for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11) and the Multiple Use-Sustained Yield Act of June 12, 1960, Public Law 86-517 (74 Stat. 215).

National park system areas

(c) (1) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, each portion of each park, monument, or other unit in the national park system which on the effective date of this Act embraces a continuous area of five thousand acres or more without roads. Within ten years after the effective date of this Act, the Secretary of the Interior shall review the units of the national park system and shall report his recommendations for the incorporation of each such portion into the wilderness system to the President. Before the convening of Congress each year, the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each such portion for which review has been completed in the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each such portion shall become effective subject to the provisions of subsection (f) of this section.

(2) The Secretary of the Interior shall include, as part of his recommendations to the President under the provisions of this subsection, a description of the parts of each park monument or other unit submitted which should be reserved for roads, motor trails, buildings, accommodations for visitors, and administrative installations. Such parts shall be determined in accordance with the procedures for rulemaking under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), except that the public notice required under such section shall be at least ninety days prior to the determination proceedings. No designation of an area for roads, motor trails, buildings, accommodations for visitors, or administrative installations shall modify or affect the application to that area of the provisions of the Act approved August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535, 16 U.S.C. 1 and following). The accommodations and installations in such designated areas shall be incident to the conservation and use and enjoyment of the scenery and the natural and historical objects and flora and fauna of the park or monument in its natural condition. Further, the inclusion of any area of any park, monument, or other unit of the national park system within the wilderness system pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such area in accordance with such Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 and following); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C 461 and following).

National wildlife refuges and game ranges

(d) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, such portions of the wildlife refuges and game ranges under the jurisdiction of the Secretary of the Interior as he may recommend for such incorporation to the President within ten years following the effective date of this Act, and such portions of the wildlife refuges and game ranges added to his jurisdiction after such date but not later than fifteen years following such date as he may recommend for such incorporation to the President within two years following the date on which such refuge or range was added to his jurisdiction. Before the convening of Congress each year the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each area recommended for such incorporation by the Secretary of the Interior during the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each area shall become effective subject to the provisions of subsection (f) of this section.

Modification of boundaries

(e) Any proposed modification or adjustment of boundaries of any portion of the wilderness system established in accordance with this Act shall be made by the appropriate Secretary after public notice of such proposal by publication in a newspaper having general circulation in the vicinity of such boundaries and public hearing to be held in such vicinity not less than ninety days after such notice if there is sufficient demand during such ninety days for such hearing. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective subject to the provisions of subsection (f) of this section.

Effective date of President's recommendations

(f) Any recommendation of the President made in accordance with the provisions of this section shall take effect upon the day following the adjournment sine die of the first complete session of the Congress following the date or dates on which such recommendation was received by the United States Senate and the House of Representa-

tives; but only if prior to such adjournment the Congress did not approve a concurrent resolution declaring that the Congress is opposed to such recommendation. Any such concurrent resolution shall be subject to the procedures provided under the provisions of sections 203 through 206 of the Reorganization Act of 1949 (5 U.S.C. 133z-12—133z-15) for a resolution of either House of Congress.

Effect of public notice of proposed addition to wilderness system

(g) The public notice by either the Secretary of the Interior or the Secretary of Agriculture that any area is to be proposed under the provisions of this Act for incorporation as part of the wilderness system shall segregate such area from any or all appropriation under the public land laws to the extent deemed necessary by such Secretary. Such segregation shall terminate (1) upon rejection of such proposal by the President, (2) upon approval by the Congress of a concurrent resolution opposing the incorporation of such area in the wilderness system, or (3) five years after the date of such notice if the proposal to incorporate such area as part of the wilderness system has not been submitted to both Houses of Congress prior to the expiration of such five years.

Addition or elimination not provided for in this act

(h) The addition of any area to, or the elimination of any area from, the wilderness system which is not specifically provided for under the provisions of this Act shall be made only after specific authorization by law for such addition or elimination.

ACQUISITION OF CERTAIN PRIVATELY OWNED LANDS WITHIN THE WILDERNESS SYSTEM

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire as part of the wilderness system any privately owned land within any portion of such system under his jurisdiction.

GIFTS OR BEQUESTS OF LAND

SEC. 5. The Secretary of Agriculture and the Secretary of the Interior may each accept gifts or bequests of land for preservation as wilderness, and such land shall on acceptance become part of the wilderness system. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

USE OF THE WILDERNESS

Other provisions of law

SEC. 6. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, wildlife refuge, game range, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. The wilderness system shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

Prohibition of certain uses

(b) Except as specifically provided for in this Act and subject to any existing private rights, there shall be no commercial enterprise within the wilderness system, no permanent road, nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft nor any other mechanical transport or delivery of persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

Special provisions

(c) The following special provisions are hereby made:

(1) Within national forest areas included in the wilderness system the use of aircraft or motorboats where these practices have already become well established may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary of Agriculture deems desirable.

(2) Within national forest and public domain areas included in the wilderness system, (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including exploration for oil and gas), mining (including the production of oil and gas), and the establishment and maintenance of reservoirs, water-conservation works, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (B) the grazing of livestock, where well established prior to the effective date of this Act with respect to areas established as part of the wilderness system by this Act, or prior to the date of public notice thereof with respect to any area to be recommended for incorporation in the wilderness system, may be permitted to continue subject to such restrictions as are deemed necessary by the Secretary having jurisdiction over such area.

(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, July 10, 1930 (46 Stat. 1020), the Thye-Blatnik Act, Public Law 733, Eightieth Congress, June 22, 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act, Public Law 607, Eighty-fourth Congress, June 22, 1956 (70 Stat 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture. Modifications of the Boundary Waters Canoe Area within the Superior National Forest shall be accomplished in the manner provided in section 3(e).

(4) Commercial services may be performed within the wilderness system to the extent necessary for activities which are proper for realizing the recreational or other purposes of the system as established in this Act.

(5) Any existing use or form of appropriation authorized or provided for in the Executive order or legislation establishing any national wildlife refuge or game range existing on the effective date of this Act may be continued under such authorization or provision.

(6) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

RECORDS AND REPORTS

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public records of portions of the wilderness system under his jurisdiction, including maps and descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. At the opening of each session of Congress, the Secretaries shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and description of areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

CONTRIBUTIONS AND GIFTS

SEC. 8. The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.

The statement presented by Mr. ANDERSON is as follows:

STATEMENT BY SENATOR ANDERSON ON THE WILDERNESS BILL

Some three dozen years ago a young forest supervisor in New Mexico enlisted me in the cause for wilderness preservation. That was Aldo Leopold, who became one of the eminent conservationists of our generation. As I have said before, I shall never forget how he poured out his heart on the subject of primitive tracts which seemed likely to be destroyed with the development of the auto, the truck, and speedier methods of transportation.

I talked with Aldo Leopold many times about wilderness, where it would be possible to preserve scenic beauty and the natural accompaniments of areas unspoiled by man-made changes, the fish and wildlife which had once owned these areas themselves, the forests and mesas, the canyons and open parks, the whole environment in which we ourselves can often feel most deeply refreshed, inspired in the scenes of our own distant beginnings.

THE NEW BILL

Today I have the privilege of seeking to advance in a very significant way this cause of wilderness preservation, as I introduce for appropriate reference a bill to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes. This is the wilderness bill.

It is 5 years now since the distinguished and far-seeing Senator from Minnesota [Mr. HUMPHREY] first introduced such a measure to this body. Through two Congresses, our Committee on Interior and Insular Affairs has considered this proposed legislation. Extensive hearings have been held both in Washington, D.C., and in the field. Four volumes of printed testimony have been assembled. The constructive criticism of the executive agencies concerned with the lands involved has been received and studied. Objections of various groups have been met with

revisions, eliminations of undesirable features, and the inclusion of various special provisions, to meet particular needs and to avoid the disruption of established practices or interference with private rights or with necessary developments in the public interest.

After 4 years of such constructive revision, and in response to an increasing public support and a deep sense of urgency in our realization that we must act promptly or run the risk of losing much of our opportunity, it seems to me that we should now proceed to act.

Accordingly, I have with great care prepared the new bill that I now introduce, a streamlined revision based on our committee's experience during the past two Congresses and on a comprehensive study of the requirements of such legislation and the best ways for meeting them with due regard for all the interests involved.

It is my purpose to do all that I can to advance this legislation, and I urge it upon the Senate at the beginning of this Congress as an outstanding opportunity to accomplish an enduring benefit in establishing a sound national policy and program for preserving a precious and significant resource of wilderness.

REASONS FOR WILDERNESS

There are profound and various reasons that give great importance to our concern with preserving areas of wilderness. These reasons are not solely concerned with our recreation, vital as this can be to the health of individuals or a nation. There also are educational and historical values, and it may be that the scientific values related to our human understanding of natural processes in relation to our own enterprise may prove to be the greatest of all.

BENCHMARKS

In the wilderness are the benchmarks of reference for the civilization that we still are perfecting. Dr. Luna B. Leopold, Chief of the Water Resources Division of the U.S. Geological Survey, distinguished and worthy son of the pioneer conservationist Aldo Leopold, has recently emphasized these "benchmark" values of wilderness in connection with the question of falling water tables. Dr. Leopold points out that "the lack of a datum increases greatly the difficulty of appraising the volumes of water available, and the rates of recharge, and of understanding the implication of changes of water tables; further, it makes very difficult the prognosis of future status of an individual aquifer."

Thus one engineer and scientist stresses the reference values of areas of wilderness. "We take it for granted," says Luna Leopold, "that there is some social gain in the erection and maintenance of a museum of fine arts, a museum of natural history, or even a historical museum. Sooner or later we ought to be mature enough to extend this concept to another kind of museum, one of which you might call the museum of land types, consisting of samples as uninfluenced as possible by man."

FOR THE WHOLE PEOPLE

The comparison of wilderness areas to museums is a valid enlightening one in various ways. Not only does it illustrate Dr. Leopold's evaluation of wilderness for scientific reference purposes as well as for educational and recreational purposes, it also illustrates the fact that our areas of wilderness are for everyone, for the whole people, for anyone, not for a selected few. Like our museums and our art galleries, our wilderness areas may at any given time be visited by a relatively small percentage of our people, yet they are available to any who will use them, part of our cultural resource as well as our natural heritage. We should regard them as such and cherish them.

WILDERNESS RECREATION

Yet we must recognize and emphasize more than we have, the values of wilderness recreation in providing for the health and vigor of our citizens.

"Physical fitness is the basis of all the activities of our society," and I say this in the words of President-elect John F. Kennedy writing thus in last week's (Dec. 26, 1960) issue of Sports Illustrated. In an article entitled "The Soft American," this great and vigorous leader warns that this "age of leisure and abundance can destroy vigor and muscle tone as effortlessly as it can gain time."

"Many of the routine physical activities which earlier Americans took for granted," he points out, "are no longer part of our daily life. A single look at the packed parking lot of the average high school will tell us what has happened to the traditional bike to school that helped to build young bodies. The television set, the movies, and the myriad conveniences and distractions of modern life all lure our young people away from the strenuous physical activity that is the basis of fitness in youth and in later life."

"Thus," declares our soon-to-be President, John F. Kennedy, "the physical fitness of our citizens is a vital prerequisite to America's realization of its full potential as a nation, and to the opportunity of each individual citizen to make full and fruitful use of his capacities."

The Honorable JOHN P. SAYLOR, with whom I am pleased to be associated on the Outdoor Recreation Resources Review Commission, a recreation and wilderness champion in the House of Representatives, has made this same emphasis on physical fitness by quoting the Director of Selective Service, Maj. Gen. Lewis B. Hershey, as saying: "We are not inherently a nation of softies, but it is a harder fight for us to stay fit than for a lot of less privileged people."

"Our kids are all right," said General Hershey, "but autos, innerspring mattresses, and regulated heating make it tougher for us to stay fit." Mr. SAYLOR agreed with General Hershey's comment that "we've got to stay vigorous and still enjoy our luxury," and he added the suggestion that our wilderness areas give us a chance to develop physical fitness and adventurous habits of mind, as well as find relief for jaded minds, tense nerves, and soft muscles.

WITHOUT DAMAGING OTHER INTERESTS

It is not too late in our land-management history, Mr. President, to meet these needs for wilderness and realize its benefits without damaging other interests or requiring sacrifices. If we act promptly we can provide for a system of wilderness areas that will preserve this resource without taxing any other in any foreseeable future, and we can do this with the confidence that if our successors ever do foresee such need they will find that we have saved for them the wilderness and have not needlessly destroyed it ourselves.

Our peculiar opportunity lies principally in the fact that within our national forests, national parks, refuges, ranges, and other areas dedicated to some kind of preservation purpose there are areas of wilderness that can be preserved as such without interference with the other purposes which the areas now serve. It is this opportunity that we propose to realize in establishing the policy and program of this wilderness bill.

PRINCIPLES OF THE BILL

Recognizing "that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas * * * except those that are designated for preservation and protection in their natural condition," this bill declares a policy of securing "for the American people of present and future generations the benefits of an enduring resource."

For this purpose the bill would establish "a national wilderness preservation system to be composed of federally owned areas * * * to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness."

It is a key declaration of the measure, at the outset of its section on the use of wilderness, that "nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area."

A RELATIVELY SMALL PART OF OUR LAND

The reasonableness of such a policy and program is further emphasized by an understanding of the relatively small part of our land area that is thus affected. All the lands that could possibly be now thus dedicated to wilderness use and protection—and they would be within already established national forests, refuges, parks or similar Federal areas—would make up only about one-fiftieth of our land.

Only about 5 percent of our Federal estate would be thus preserved, and for the most part it would be in the high country of the national forests, the back country of the national parks, in areas not now open to exploitation. Only by act of Congress would new areas beyond those provided for in this act be established. At such little cost we can attain such great ends.

THE SOURCES OF OUR SPIRITUAL WELFARE

It is my purpose now to conclude these remarks with the observation that while we must deal here in the Congress with these matters as subjects of carefully designed programs and policies determined in the light of economic and other governmental realities, we should likewise recognize that we are dealing with the sources of our spiritual welfare also, with the esthetics of our common life, not with bread alone, but with our inheritance of a great outdoors resource.

For some 3 years now our Outdoor Recreation Resources Review Commission has been studying these resources and our needs. We are approaching the time of our recommendations. The enactment of this wilderness legislation will help this Commission in its work. It will provide procedures by which the recommendations of the Commission with reference to wilderness can effectively be carried out, and the existence of these procedures can indeed facilitate the very formulation of such recommendations.

This legislation will establish a policy and program regarding wilderness which will give shape and orderliness to the Outdoor Recreation Commission's considerations relating to wilderness. To all our concerns with the preservation of all the great values of wilderness the measure here presented will contribute the advantages of a carefully considered, sound, and enduring orderly policy and program—a practical way of dealing with both idealism and reality, which here come close together.

WE HAVE AN OBLIGATION

Six years ago last September it was my privilege to dedicate a memorial erected by the Wilderness Society in cooperation with the Forest Service in honor of my early mentor, Aldo Leopold, at a beautiful windswept

New Mexico site "overlooking," in the words of the bronze tablet itself "overlooking the Gila Wilderness, which he helped establish—first national forest area so designated—dedicated as a tribute to him for the national wilderness preservation system he helped create." I said then:

"The work of Aldo Leopold has been done. We now become trustees of his inheritance. Those of us who may visit within the wilderness and who are able to rest and be restored in our peace of mind and body by the quiet that it will always possess have nonetheless an obligation to see that the work of one generation shall not be sacrificed by those that come after. We have an obligation to make sure that this area (and others like it) may remain untouched for generations and perhaps centuries to come. We cannot take our burdens as trustees lightly if we are to keep faith with those who struggled so mightily to achieve these precious spots within the confines of a busy continent. The erection of this memorial—reminds each of us that our lives as well can contribute to the things that mean beauty for the eye and rest for the spirit. We, too, can preserve the wilderness."

These words of 6 years ago at a memorial for one of our pioneers I am glad today to recall and iterate with regard for all of those who through the years have contributed to the opportunity we now face and cherish. We can preserve wilderness, and I commend to you this wilderness bill as a sound, reasonable, considerate, but effective charter for doing so.

Mr. ANDERSON subsequently said: Mr. President, earlier I introduced a so-called wilderness bill. I find that the junior Senator from Washington [Mr. JACKSON] desires to be a cosponsor of the bill; and there may be other cosponsors. I ask unanimous consent that the bill remain at the desk for 2 days, so that the names of additional sponsors may be added to the bill, if that is desired.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, it is so ordered.

PROTECTION OF NATIONAL PARKS AND MONUMENTS UNDER COLORADO RIVER STORAGE PROJECT ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend Public Law 485 of the 84th Congress, the Upper Colorado Storage Project Act, to remove the provisions requiring that the Secretary of the Interior construct so-called protective works to prevent impairment of the Rainbow Bridge National Monument in southern Utah from the waters of Glen Canyon Dam on the Colorado River.

I firmly believe that a serious mistake was made in writing these provisions into the act at the time it was passed, and that we must now move to correct that mistake. Otherwise we will spend at least $25 million needlessly, we will scar the primitive beauty of the Rainbow Bridge National Monument, and we will fail to make this spectacular natural wonder as accessible as it should be to the public.

In the 86th Congress, I sponsored a bill identical to the one I am now introducing. However, work on the Glen Canyon Dam had progressed to the point where it would be possible to start filling the Lake Powell Reservoir in 1962. Therefore, the Secretary of the Interior, as required by the act, had requested funds to start construction of the protective works to prevent the waters from the dam from backing up under the monument, and, if I was to forestall that construction, I had to direct my energies to stopping the appropriation. Both the House and Senate Appropriations Committees agreed that so-called protective works were unnecessary, and the funds should not be appropriated in the fiscal 1961 bill.

To clarify the problem, let me give a little background. The Rainbow Bridge National Monument was created by Presidential proclamation in 1910. It comprises an area of 160 acres in San Juan County, Utah, 5 miles north of the Arizona border, and 30 miles from the Glen Canyon damsite. At the present time it can be reached only by mule pack over a 15-mile trail from the Utah-Arizona border, or by a 6-mile hike from the Colorado River.

It is the largest known natural bridge in the world, rising 309 feet above the canyon floor. The arch was formed by the waters of Bridge Creek cutting through a narrow neck of Navajo sandstone to shorten their course to neighboring Aztec Creek and on into the Colorado River. The entire area is brilliantly colored, and filled with breathtaking, upflung architecture.

Not long ago a National Park Service and U.S. Geological Survey field party determined that even at high water season when Lake Powell was full, not more than a sliver of water would back up in the creekbed, and that this water would be 21 feet below the left abutment of the bridge and 33 feet below the right abutment of the bridge.

There would, therefore, be no impairment of the arch, and it takes little imagination to see that the monument itself would be enhanced. The water would add to the scenic lure, and provide practical and easy access to the area by boat.

Although I was not in the Senate in 1956 when the upper Colorado River bill was enacted, I can well understand what happened. The inclusion of the Echo Park Dam in the bill had stalled the entire vast resource development project on dead center in the House Interior Committee. Certain conservationist and outdoor groups saw in Echo Park the destruction of the entire national park system. They further feared that allowing even a small manmade pool to form itself many feet below the abutments of the Rainbow Bridge in that national monument would put another crack in what they considered the crumbling foundations of the park and monument program.

The Echo Park Dam was removed and the bill was amended, in separate sections, to provide first, that the Secretary of the Interior take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument from the waters backed up by the Glen Canyon Reservoir; and second, that no dam or reservoir constructed under the authorization of the act shall be within any national park or monument.

In my opinion, both actions were indefensible. I will not take the time here to go into the Echo Park controversy, but I believe the case has now been fully made that it would be a defenseless waste of the taxpayers money to build expensive protective works to keep the water—or even the sediment which would drop from the water into the streambed—out of the Rainbow Bridge National Monument in southern Utah. This session, I hope, therefore, that we will not have to resort to the circuitous, back-door method of refusing to appropriate the funds for a barrier dam. We should admit that it was unnecessary to write the protective works requirement into the Upper Colorado River Storage Act when it was passed, and remove that requirement.

It is gratifying to be able to say that Interior Secretary-designate UDALL has made a report which agrees with me in general on Rainbow Bridge.

Last summer the Secretary-designate, as a Congressman and a member of the House Interior and Insular Affairs Committee, and Representative JOHN SAYLOR, also a member of the committee, made an inspection trip to study the problem.

In his official report to Chairman ASPINALL, Congressman UDALL outlined three alternatives from which he felt Congress might choose: First, a two-dam plan, which would consist of a downstream barrier dam outside the monument to hold back the lake waters, and an upstream dam outside the monument to catch the downstream seasonal flash flood runoff; second, an upstream dam only; and third, to allow the water to back up under the arch in the natural streambed.

Let me quote directly from Congressman UDALL's report:

After the most careful study and after extensive discussion with the conservationists who know this extraordinary national monument best, I have come to the firm conclusion that the last alternative would best serve the longrun interests of this park, and of the conservation movement itself.

Although the lake water offends a basic principle of park conservation, it is my conviction that the construction of any manmade works within 5 miles of the present monument boundaries would do far greater violence to the first commandment of conservation—that the great works of nature should remain in their virginal state wherever possible. The natural setting of Rainbow embraces a much larger area than the boxlike artificial "monument"; and it is a gross mistake to detach the arch itself from its environment.

As I conceive it, from my study of the history of conservation in America, the one overriding principle of the conservation movement is that no works of man (save the bare minimum of roads, trails, and necessary public facilities in access areas) should intrude into the wonder places of the national park system. A corollary of this principle is that even the waters of a manmade lake or reservoir constitute an unwarranted park invasion. Therefore, as I see it, building either of the two proposed dams near the artificial boundaries of the monument would sacrifice the cardinal principle in order to save its corollary.

Following a glowing appraisal of the grandeur of the monument and the country surrounding it—an appraisal

which led the Congressman to recommend that the boundaries be extended to include the arch in its natural backdrop, Congressman UDALL wrote:

Congress should resolve this issue by a conscious choice, and not create ill will by a default decision through the expedient of refusing to appropriate funds for the measures promised in the act of 1956. If a majority of our colleagues feel protective works should be constructed, the earlier promise should be kept and necessary funds should be appropriated.

On the other hand, if the conclusion I have come to is the right one I believe Congress should clear itself of any imputation of bad faith by passing an appropriate resolution spelling out, in terms of sound conservation principles, the reasons why protective steps were not taken. If this course is followed, I would also urge that strenuous efforts be made to persuade the conservation spokesmen of this country to make a further study of this problem on the hope they might concur in this action.

I find that last sentence most interesting. The position of the conservationists, and their responsibility in the Rainbow Bridge controversy, was also referred to by Dr. Angus Woodbury, professor emeritus of biology, University of Utah, in his article "Protecting Rainbow Bridge," which appeared in the August 26, 1960, issue of Science. After a penetrating discussion of the issues involved, in which he reaches almost the same conclusions as Congressman UDALL, namely, that protection would do more harm than good, Dr. Woodbury states:

This is a case which calls for conservationists to do a little soul searching. The fallacy of joining a crusade without a realistic appraisal of the facts should be obvious by this time. It is a fact that the presence of the Glen Canyon Reservoir will open up to the general public, by way of boating on Lake Powell, a thousand enchanting nooks, glens, and alcoves in the tributaries that lead into Glen Canyon, many of which are inaccessible without the lake. It will open the vast scenic resources of the interior of the rough country of the Southwest to regular use under the control of the National Park Service.

Conservationists recognize that in a world faced with a population bomb there is as great a need to conserve water for the arid lands of the earth as there is to conserve scenic landscapes. They also realize that there are many other resources that should be conserved and that the relative values must be weighed carefully. They should support both the movement for conservation of water in Glen Canyon and the National Park Service in developing the byproducts of the lake as national recreational resources. In addition to opportunities for boating, fishing, photography, and the like, construction of the lake will provide access to areas of magnificent scenery, and all these opportunities are bound to be appreciated in the years to come.

As the years pass into centuries, deltas at the mouths of incoming streams will help to fill the reservoir with sediment. Long before it is completely filled, the lengthening deltas may be used for some purpose or other. What use will be made of these newly made lands remains for the future to decide. If they are maintained as parts of national recreation areas, they may well serve as centers from which visitors can explore the thousand side canyons and scenic attractions that radiate from the main Glen Canyon. Without any barrier dams in Bridge Canyon, Rainbow Bridge would be as accessible as any of the other scenic marvels of the Glen Canyon tributaries.

The major objective of sincere conservationists is to leave the people of the future with a heritage of wisely used resources which will continue to serve mankind through many additional generations.

I well realize, Mr. President, that Rainbow Bridge poses a real dilemma for many of those concerned. It poses a dilemma for the Department of the Interior which, under the law, must ask for funds to begin the unnecessary protective works. It poses a dilemma for Congress which must reexamine the action it took in the strained and emotional atmosphere when the original bill was passed. And it poses a serious dilemma for the leaders and members of the conservation and outdoor groups who, I sincerely hope, will search their consciences and ask themselves whether a manmade pool far down under the arch of a bridge would not be far more desirable than any manmade dam, plus the thrusts of access roads, plus the other impedimenta of civilization which would blot the primitiveness of the area.

Mr. President, no one is more dedicated than I to honest conservation and protection of our natural resources, and to appropriating the money necessary to do so. But, now that the facts are in on Rainbow Bridge, I am convinced that to let the water take its natural course up the streambed is the best way to insure that this remarkable scenic wonder will be preserved in all of its primitive glory.

By no criterion do I feel that the expenditure of millions of Federal dollars for the construction of a barrier or diversion dam, or a combination of both, can be justified.

If by any chance, the Congress does not choose to act on the bill I am introducing today—or take action to reach its objectives—I shall again ask the House and Senate Appropriations Committees to delete any funds which may be requested for the construction of protective works at Rainbow Bridge National Monument.

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

The bill (S. 175) to amend the Colorado River Storage Project Act with respect to the protection of national parks and monuments under the provisions of such act, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

INCREASED USE OF AGRICULTURAL PRODUCTS FOR INDUSTRIAL PURPOSES

Mr. JOHNSTON. Mr. President, I introduce, for appropriate reference, a bill to provide for the increased use of agricultural products for industrial purposes and for the development of new crops.

In 1958 several Senators, including myself, introduced proposed legislation on this subject. The Senate Agriculture Committee took the various bills introduced and combined the better qualities of each into a committee bill. This committee bill passed the Senate practically without dissent. The House failed to act; but it is my understanding that the Agriculture Committee in the House was going to take up the bill, for consideration, when Congress adjourned.

Again in the last Congress I introduced this bill and I was supported by several Senators. The Senate Agriculture Committee reported the bill unanimously and in 1960 the Senate passed the bill with only one or two dissenters despite opposition from the administration.

In the House of Representatives the administration was more successful and the House substituted its version for the Senate bill. I realize there must be compromise in legislation, but in this situation there was no compromise, in my opinion, had the Senate agreed to the House substitute. Therefore we did not meet in agreement in conference and the legislation died with the end of Congress.

All real friends of the farmer are going to concentrate on ways of helping him, rather than on dissipating their energies on details of how we help him. Aid for agriculture is the thing; if we enjoy the luxury of differing as to method, we must not hinder progress toward assisting our national agricultural industry. I am sure that all of us are in agreement on this basic idea: Our Nation's farmers are the backbone of the national economy; and in helping him, we help ourselves. I may feel that my ways of rendering assistance are better than the next fellow's; but this is not going to deter me one whit from giving my wholehearted support to a compromise program that carries with it the hope of bettering agriculture. But the House substitute offered last year did not carry out the research we need and would not institute the recommendations of the bipartisan commission of 1957 which was hailed by all sources upon its release.

Research is the key that unlocks many doors. When we view the surpluses of agricultural products, we realize the urgent need of wider and more intensive research for new uses for those products and for new products that will yield paying crops.

Research is a multiplier that increases multiple uses of basic products. I never cease to wonder at the work of George Washington Carver, whose genius was able to develop more than 100 byproducts from the humble peanut. Who knows what untapped secrets nature has stored up in other everyday products.

Yes, research is a creative force, generating progress, sparking productivity, promoting comfort, adding to total living. Research creates wealth through inventiveness, and ministers to man's welfare.

Behind any successful manufacturing company we find a substantial research program. The more successful the company, the more funds are being poured back into the business through the medium of research. Fiscal analysts tell us one of the best ways to determine the future prospects of any given company is to read its financial statement and learn what part of its earnings is being plowed back in the form of research. Companies that fail to provide adequate

research programs soon wind up "in the ditch." The leading corporations are strong on research.

Mr. President, we must do for research in agriculture what industry does for its research. We cannot, in national self-interest, afford to do less. Every dollar invested in agricultural research will come back manyfold, and the beneficial effects will pour into all segments of the economy.

Judging by commercial standards, the ratio of expenditures for research to the total dollar value of the Nation's agricultural products is relatively small. More, much more, needs to be done.

The bill I now introduce contains certain authority that is not now available to the Department of Agriculture, but which I believe is necessary if agricultural research is to produce the expected results. This includes authority for research grants, student fellowships, scholarships, and similar aids to strengthen graduate training.

There is widespread recognition that a prosperous agricultural industry is one of the basic necessities of a strong America. Farmers are one of the most important consumer groups in America. For our Nation to be prosperous, the farmer has to be in a position to buy the products of industry. It is true that the number of farmers in America has decreased in recent years, but statistics show that purchases by farmers for production and consumption have increased.

The Commission on Increased Industrial Use of Agricultural Products stresses the economic importance of the farmer in the following words:

> Two-fifths of the Nation's total economic activity arises from agriculture and related business functions.

Mr. President, the broad objectives of the measure we are now considering were outlined in the report of the aforementioned Commission. After a thorough study and survey of the agricultural industry, the Commission made major recommendations looking toward comprehensive research to bring about the greatest possible industrial uses of agricultural products.

In its report, the Commission said:

> In the past 25 years agriculture often has been researched right out of its natural domain. Industry will continue to explore the unknown in search for new products and new uses for old products. Nothing is plainer in the economic pattern of today than that agriculture must compete in areas of basic and applied scientific research. Agriculture should be enabled to compete as an equal, in the contest for consumer acceptance. It is now losing by default.

The Commission was created in accordance with section 209 of Public Law 540, 84th Congress. It filed an interim report on April 17, 1956, and its final report on June 15, 1957.

Altogether, the Commission made 8 pertinent recommendations, and also obtained suggestions through correspondence with experiment station directors and more than 350 industrial executives. The work of the Commission was well planned and comprehensive.

In its report, the Commission stated it found it necessary to obtain quickly, first, an adequate assessment of the current state of industrial utilization research; second, a sound appraisal of its possibilities; and third, adequate understanding of the obstacles to further development.

To this end, the Commission set up task groups or special committees in the following areas: corn wet milling, cotton, crop residues, industrial alcohol from grain, industrial uses for grain other than alcohol, dairy products, forage crops, forest products, fruits and vegetables, hides, skins, and animal byproducts, new and special crops, oilseeds and animal fats, poultry products, rice, sugar, tobacco, white potato products, wool and mohair.

Not the least important of the Commission's conclusions of its studies was the last, which reads:

> The dynamic forces which created American industrial development must be motivated in the farm economy.

Mr. President, it is noteworthy that the Commission's first recommendation called for a substantial increase in research funds, and did so in the following language:

> The Commission proposes as its first and most necessary recommendations that the funds for industrial uses research be increased to not less than three times the amounts ($16,145,000) currently available; and that additional sums be provided, as herein suggested, for new crop research, trial commercialization, development, and incentives.

Immediately following this, the Commission recommended that the facilities of the Department of Agriculture be fully utilized in furthering the research program, as well as land-grant colleges, experiment stations, universities and colleges, private research organizations, and foreign institutions. There followed a recommendation for research grants and fellowships, scholarships, and similar aids that, while furthering research projects, would also increase the supply of trained scientists.

Special emphasis was put by the Commission on the new crop projects with the purpose of creating durable, additional markets, and for rapid disposal, through industrial channels, of accumulated surpluses.

The Commission found that the current industrial outlets for the products of the total farm acreage, estimated to be less than 7 percent, are undeniably small.

One of the most encouraging leads to be developed by the Commission was the prospect of a major crop for the South—bamboo. This product has shown great potential in the paper field, as well as in furniture and plastics. I am pleased to report that preliminary experimentation and work with this crop have already been started in South Carolina and Georgia by private firms, and through the Clemson College Edisto Experiment Station, near Blackville, S.C.

A whole regional economy can be uplifted and transformed through the development of some such good, new pay crop. We all know what has been accomplished with the soybean—the commercial markets it commands, the jobs it has created, the payrolls it accounts for. Who knows how many such undiscovered commercial products await in the darkness that can be pierced only by the searchlight of research. Is it any wonder that we approach this research program with enthusiasm and great expectations—holding, as it does, vast vistas of opportunities?

In my opinion, no proposed legislation that has come before the Senate in recent years is more important from the farmers' standpoint.

We must enact this bill in order to step up our research. The Congress has appropriated billions of dollars for foreign aid; much of it has gone for research in foreign countries. It is inconceivable to me that this opportunity to help our own people and our own economy would not be availed of.

I hope this agriculture research bill will pass Congress this session. There is tremendous need for agriculture research. Such research can help our farmers and industries find new sources of income and production.

The bill I introduce is the same as the one the Senate Agriculture Committee reported and is identical with the one passed in the 85th Congress by the Senate. I hope we shall be able to expedite this measure, so it will be in the hands of the House of Representatives for early action.

Mr. President, I ask that the bill lie on the desk for 1 week, in order that Senators who may wish to cosponsor it with me may have an opportunity to do so. I have received several requests regarding cosponsorship.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and will lie on the desk, as requested.

The bill (S. 173) to provide for the increased use of agricultural products for industrial purposes, introduced by Mr. JOHNSTON (for himself and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NUTRITIONAL ENRICHMENT AND SANITARY TRANSPORTATION AND STORAGE OF RICE

Mr. JOHNSTON. Mr. President, I introduce for appropriate reference a bill to amend section 201 of the act of September 21, 1959, to provide for the nutritional enrichment and sanitary transportation and storage of rice distributed under certain programs. It may be recalled that I introduced a similar bill last year, which became law. However, it does not go quite far enough.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement explaining the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 179) to amend section 201 of the act of September 21, 1959 (73 Stat. 610), to provide for the nutritional

enrichment and the sanitary transportation and storage of rice distributed under certain programs, introduced by Mr. JOHNSTON, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The statement presented by Mr. JOHNSTON is as follows:

STATEMENT BY SENATOR JOHNSTON

In 1959 the Congress enacted legislation providing for the enrichment of cornmeal, corn grits, and flour so as to meet the regulations promulgated under the Federal Food, Drug, and Cosmetic Act. These food commodities, which are distributed to school lunch cafeterias over the entire Nation, have contributed much to the welfare and well-being of the Nation's schoolchildren.

Prior to 1959 these foods were not enriched before they were sent to the schools. This legislation has very capably caused these foods to meet minimum standards before they reached the children. However, rice, one of the very basic food commodities in practically every State, was not included.

Laws in a vast majority of the States require the enrichment of rice but the Federal Government has, since the inception of the School Lunch Act, distributed unenriched rice to the schoolchildren.

It has been the procedure of the millers to ship some of these foods in 100-pound burlap bags. The State nutritional board in South Carolina has brought to my attention the fact that this method of shipment is very unsatisfactory. The foodstuffs, particularly rice, are not sanitary when they reach the school cafeterias. I feel that it would be beneficial to the schoolchildren and the Federal Government if these foodstuffs were packaged in small and sanitary containers. I have particular reference to rice.

I introduce, for appropriate reference, proposed legislation which would provide for the nutritional enrichment and proper packaging of rice distributed by the Federal Government. The cost will be very small compared to the value received. I hope the Senate will see fit to pass this proposal at an early date.

AMENDMENT OF CONSTITUTION RELATING TO NOMINATION OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

Mrs. SMITH of Maine. Mr. President, on behalf of myself, the Senator from Maryland [Mr. BEALL], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Oregon [Mr. MORSE], I send to the desk for appropriate reference a joint resolution, which proposes to abolish the Electoral College and replace it with a direct popular vote system for electing the President and Vice President of the United States and I ask that it be left open on the desk until the close of business on January 10, 1961, for any other Senators who may wish to join in cosponsorship of the resolution.

For the convenience of those interested in this legislation, I ask unanimous consent to place in the RECORD at this point an analysis of the provisions and purposes of this resolution. It is an analysis which I published on December 25, 1960.

In introducing this joint resolution, I want to express my sincere appreciation to the majority leader for his generous kindness in this matter in his wish that, although he has legislative proposals of his own on this same subject, my resolution go in first, and for his thoughtfulness in permitting my resolution to be Senate Joint Resolution 1. This is so typical of him and is a forerunner of the kind of cooperation that can be expected of him in his new and richly deserved role of leadership in the Senate.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and statement will be printed in the RECORD, and lie on the desk, as requested by the Senator from Maine.

The joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote, introduced by Mrs. SMITH of Maine (for herself, Mr. BEALL, Mr. CHAVEZ, and Mr. MORSE) 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 for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be nominated and elected as hereinafter provided.

"SEC. 2. The official candidates of political parties for President and Vice President shall be nominated at a primary election by direct popular vote. Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation. The time of such primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President and Vice President. No person shall be a candidate for nomination for President or Vice President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States with the Secretary of State, which petition shall be valid only if (1) it is determined by the Secretary of State to have been signed on or after the first day of January of the year in which the next primary election for President and Vice President is to be held by a number of qualified voters, in any or all of the several States, equal in number to at least 1 per centum, but not more than 2 per centum, of the total number of popular votes cast throughout the United States for all candidates for President (or, in the case of the primary election first held after the ratification of this article, for electors of President and Vice President) in the most recent previous Presidential election, and (2) it is filed with the Secretary of State not later than the first Tuesday after the first Monday in June of the year in which the next primary election for President and Vice President is to be held. No person's name shall appear on the ballot in any primary election as a candidate for nomination for both President and Vice President; but the foregoing shall not, except in the case of a runoff election, prohibit the name of a candidate for nomination for President, or the name of any other person, from being written on the ballot by the voters for nomination for Vice President or the name of a candidate for nomination for Vice President, or the name of any other person, from being written on the ballot by the voters for nomination for President.

"SEC. 3. For the purposes of this article a political party shall be recognized as such if at any time within four years next preceding a primary election the Secretary of State determines such party has had registered as members thereof more than 5 per centum of the total registered voters in the United States.

"SEC. 4. Within fifteen days after such primary election, the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast, and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the seat of the government of the United States directed to the Secretary of State, who shall forthwith open all certificates and count the votes. The person receiving a majority of the total number of popular votes cast for presidential nominees by the voters of the party of his registered affiliation shall be the official candidate of such party for President throughout the United States; and the person receiving a majority of the total number of popular votes cast for vice presidential nominees by the voters of the party of his registered affiliation shall be the official candidate of such party for Vice President throughout the United States. If no person receives a majority of the total number of popular votes cast for presidential nominees by the voters of a political party, a runoff election to determine the nominee of such political party for President shall be conducted throughout the United States on the twenty-eighth day after the day on which the primary election was held. Such runoff election shall be between the two persons who received the greatest number of popular votes cast for presidential nominees by the voters of such political party in the primary election. If no person receives a majority of the total number of popular votes cast for vice presidential nominees by the voters of a political party, a runoff election to determine the nominee of such political party for Vice President shall be conducted throughout the United States on the twenty-eighth day after the day on which the primary election was held. Such runoff election shall be between the two persons who received the greatest number of popular votes cast for vice presidential nominees by the voters of such political party in the primary election. No person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party. Within fifteen days after a runoff election for the nomination of a political party for President or Vice President, the chief executive of each State shall, in the case of a runoff election for nomination for President, transcribe on an appropriate document the names of the two persons on the party's ballot for nomination for President and the number of votes cast in such State for each, and, in the case of a runoff election for nomination for Vice President, transcribe on an appropriate document the names of the two persons on the party's ballot for nomination for Vice President and the number of votes cast in such State for each, which documents shall be signed, certified, and transmitted under the seal of such State to the seat of the govern-

ment of the United States, directed to the Secretary of State, who shall forthwith open all certificates and count the votes. The person receiving the majority of popular votes for President in a runoff election to elect a nominee for President shall be the official candidate of such political party for President throughout the United States. The person receiving the majority of popular votes for Vice President in a runoff election to elect a nominee for Vice President shall be the official candidate of such political party for Vice President throughout the United States.

"SEC. 5. In the event a person shall receive in any such primary election, as the result of write-in votes, a majority of the total number of votes cast by the voters of the party of his registered affiliation for nominees for President and a majority of the total number of votes cast by such voters for nominees for Vice President, such person shall declare which nomination he accepts; and a runoff election shall be conducted for the nomination such person does not accept between the two persons who received the next highest number of votes for such nomination.

"In the event a person shall receive in any such primary election, as the result of write-in votes, the highest or second highest number of votes cast by the voters of the party of his registered affiliation for nominees for President (and no person receives a majority) and the highest or second highest number of votes cast by such voters for nominees for Vice President (and no person receives a majority), such person shall declare the office for which he will be a candidate in the runoff election provided for in section 4 of this article and such person may not be a candidate for nomination for the other office. The runoff election for the nomination for such other office shall be between the two persons who received the next highest number of votes for such other office.

"In the event a person shall receive in any such primary election, as the result of write-in votes, a majority of the total number of votes cast by the voters of the party of his registered affiliation for nominees for President and the highest or second highest number of votes cast by such voters for nominees for Vice President (and no person receives a majority), or such person receives a majority of the total number of votes cast for nominees for Vice President and the highest or second highest number of votes cast for nominees for President (and no person receives a majority), such person may, in either such case, accept a nomination for the office for which he received a majority of the votes cast, and a runoff election shall be conducted for the other office between the two persons who received the next highest number of votes for such office; or, such person may refuse the nomination for the office for which he received a majority of the votes cast and declare himself a candidate in the runoff election provided for in section 4 of this article for the office for which he received the highest or second highest number of votes. If such person refuses the nomination for an office for which he received a majority of the votes cast, a runoff election shall be conducted for such office between the two persons who received the next highest number of votes for such office. Any runoff election provided for in this section shall be conducted at the same time, and the results thereof certified in the same manner, as provided for runoff elections under section 4 of this article.

"If, in any case in which a runoff election would otherwise be held, only one candidate of a party remains for nomination for President or Vice President, as the case may be, such candidate shall be the official candidate of such party for such office and no runoff election shall be conducted for such office.

"SEC. 6. In the event of the death or resignation of the official candidate of any political party for President, the person nominated by such political party for Vice President shall be the official candidate of such party for President. In the event of the deaths or resignations of the official candidates of any political party for President and Vice President, or in the event of the death or resignation of the official candidate of any political party for Vice President, a national committee of such party shall designate such candidate or candidates, who shall then be deemed the official candidate or candidates of such party, but in choosing such candidate or candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the States, and a majority of all States shall be necessary to a choice.

"SEC. 7. The electoral college system of electing the President and Vice President of the United States is hereby abolished. The President and Vice President of the United States shall be elected at a general election by the people of the several States by direct popular vote of the qualified voters in each State who shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The time of such election shall be the same throughout the United States, and unless the Congress shall by law appoint a different day, such election shall be held on the first Tuesday after the first Monday in November in the year preceding the expiration of the regular term of the President and Vice President. The names of candidates officially nominated in primaries as herein provided, and only such names, shall appear upon the official ballot in every State for the offices of President and Vice President; but the foregoing shall not, except in the case of a runoff election, prohibit the names of a candidate for President, or the name of any other person, from being written on the ballot by the voters for Vice President or the name of a candidate for Vice President, or the name of any other person, from being written on the ballot by the voters for President.

"SEC. 8. Within fifteen days after such general election, the chief executive of each State shall make distinct lists of all persons receiving votes for President and all persons receiving votes for Vice President, and the number of votes cast in such State for each, which list shall be signed, certified, and transmitted under the seal of such State to the seat of the Government of the United States directed to the Secretary of State, who shall forthwith open all certificates and count the votes. The person receiving a majority of the total number of popular votes cast for President shall be President, and the person receiving a majority of the total number of popular votes cast for Vice President shall be Vice President. If no person receives a majority of the total number of popular votes cast for President, a runoff election to choose the President shall be conducted throughout the United States on the twenty-eighth day after the day on which the general election was held. Such runoff election shall be between the two persons who received the greatest number of popular votes for President cast in the general election. If no person receives a majority of the total number of popular votes cast for Vice President, a runoff election to choose the Vice President shall be conducted throughout the United States on the twenty-eighth day after the day on which the general election was held. Such runoff election shall be between the two persons who received the greatest number of popular votes for Vice President cast in the general election. Within fifteen days after a runoff election to choose a President or Vice President, the chief executive of each State shall, in the case of a runoff election for President, transcribe on an appropriate document the names of the two persons on the ballot for President and the number of votes cast in such State for each, or, in the case of a runoff election for Vice President, transcribe on an appropriate document the names of the two persons on the ballot for Vice President, and the number of votes cast in such State for each, which document shall be signed, certified, and transmitted under the seal of such State to the seat of the Government of the United States, directed to the Secretary of State, who shall forthwith open all certificates and count the votes. The person receiving the majority of popular votes for President in a runoff election for President shall be President. The person receiving the majority of popular votes for Vice President in a runoff election for Vice President shall be Vice President. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

"SEC. 9. In the event a person shall receive in any such general election, as the result of write-in votes, a majority of the total number of popular votes cast for President and a majority of the total number of popular votes cast for Vice President, such person shall declare which office he accepts; and a runoff election shall be conducted for the office such person did not accept between the two persons who received the next highest number of votes for such office.

"In the event a person shall receive in any such general election, as the result of write-in votes, the highest or second highest number of popular votes cast for President (and no person receives a majority) and the highest or second highest number of popular votes cast for Vice President (and no person receives a majority), such person shall declare the office for which he will be a candidate in the runoff election provided for in section 8 of this article and such person may not be a candidate for the other office. The runoff election for such other office shall be between the two persons who received the next highest number of votes for such other office.

"In the event a person shall receive in any such general election, as the result of write-in votes, a majority of the total number of popular votes cast for President and the highest or second highest number of popular votes cast for Vice President (and no person receives a majority), or he receives a majority of the total number of popular votes cast for Vice President and the highest or second highest number of popular votes cast for President (and no person receives a majority), such person may, in either such case, accept the office for which he received a majority of the votes cast, and a runoff election shall be conducted for the other office between the two persons who received the next highest number of votes for such office; or, such person may refuse the office for which he received a majority of the votes cast and declare himself a candidate in the runoff election provided for in section 8 of this article for the office for which he received the highest or second highest number of votes. If such person refuses the office for which he received a majority of the votes cast, a runoff election shall be conducted for such office between the two persons who received the next highest number of votes for such office. Any runoff election provided for in this section shall be conducted at the same time, and the results thereof certified in the same manner, as provided for runoff elections under section 8 of this article.

"If, in any case in which a runoff election would otherwise be held, only one candidate remains for the office of President or Vice President, as the case may be, such candidates shall be deemed elected to such office

and no runoff election shall be conducted for such office.

"SEC. 10. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 11. The Congress shall have power to provide by appropriate legislation for cases in which two or more persons receive an equal number of popular votes for President or Vice President in any such primary or general election.

"SEC. 12. The Congress shall have power to provide by appropriate legislation for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes for President and Vice President in any such primary or general election. The places and manner of holding such primary or general election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

"SEC. 13. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress."

The statement presented by Mrs. SMITH of Maine, is as follows:

STATEMENT PRESENTED BY SENATOR SMITH OF MAINE

Since her public statement made in addresses in Maine on November 21, 1960, that at the outset of the 87th Congress she would introduce legislation to abolish the electoral college and replace it with direct primaries and elections for the nominations and elections of President and Vice President, Senator MARGARET CHASE SMITH has been working closely with the office of the Senate Legislative Counsel on the drafting of a Senate joint resolution to provide a constitutional amendment to accomplish this objective.

With the completion of the drafting of that proposed constitutional amendment on December 16, 1960, Senator SMITH by letter has invited all other Senators to join her in cosponsorship of the proposed constitutional amendment. The specific proposals of the constitutional amendment are:

(a) Abolish the electoral college system of electing the President and Vice President;

(b) Provide for election of the President and Vice President by direct popular vote;

(c) Abolish the national convention system of nominating the presidential and vice presidential candidates of political parties;

(d) Provide for the nomination of presidential and vice presidential candidates of political parties by direct primaries (first Tuesday after first Monday in August);

(e) Provide for run-off elections in both the general election and the primary in the event that no candidate received a majority of the total number of votes cast (to be held 28 days later);

(f) Require that in order to qualify as a candidate in the direct primary, a person must file a petition signed by at least 1 percent of the total vote cast in the last presidential general election (this would require 688,327 signers for the 1964 primary) to be filed not before January 1 and not later than 2 months prior to the primary election; and

(g) Require that a political party have a registered membership of more than 5 percent of the total registered voters in the United States in order to qualify to get on the ballot.

In a letter to each of the other 99 Senators and Senators-elect of the 87th Congress, Senator SMITH pointed out that (1) for a long time she had supported proposals to replace the electoral college system with a direct popular vote system; (2) that the closeness (a difference of only 112,801) of the 1960 presidential election had dramatized the possibility of the election of a President by the electoral college although an opposing candidate had received a greater direct popular vote (49.8 percent); (3) that again as in 1948 the election result had produced a minority President and that the recurrence of this should be avoided in the future through a runoff election by which a clear-cut majority President would be elected; (4) that the selection of party nominees should be more responsive to the people than under the present nomination by convention system and should be by direct primary; (5) that future candidates for President should follow the example set by President-elect Kennedy and openly declare their candidacy with an opportunity for direct expression in the nomination process given to the people through the direct primary system, which would be far more meaningful than either the convention system or the presidential preferential primaries held in a few States; (6) that the position of Vice President had become so important that it should not be relegated to the status of "consolation prize" nor should it be decided by the vote of one person (the presidential nominee) to the exclusion of the votes of tens of millions of Americans; (7) that one of the beneficial byproducts of her proposal would be to shorten the general election campaign—an objective desired by candidates and public alike; and (8) that a recent national public opinion poll had shown that an overwhelming majority of the American people desired that the electoral college system of electing the President and Vice President be abolished.

PROPOSED AMENDMENT TO CONSTITUTION, RELATING TO ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. JOHNSTON. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

This joint resolution is similar to Senate Joint Resolution 200 of the 80th Congress, which was reintroduced during the 81st Congress and subsequently favorably acted upon by the Senate. A volume of hearings has been held on this subject, and similar proposals have been introduced in the Congress since as early as 1797, when Representative William L. Smith, of South Carolina, offered to the Congress the first Constitutional amendment proposing reform of our procedure for electing the President.

My personal opinion is that our present system of electing President and Vice President is antiquated and in great need of overhauling by means of a Constitutional amendment similar to that which I am proposing. Despite the mass of hearings that have been held in the past on this subject, I feel it is necessary that the two Houses of Congress again hold hearings on the matter. Times have changed, and conditions may have changed which would result in the bringing out of new facts at such hearings.

I introduced this same amendment last year. At that time I fully realized that no action could be forthcoming during that session of Congress. However, I felt that by offering this resolution some Members of the Senate would have an opportunity to give this proposed legislation consideration. As I promised then, I now reintroduce this resolution and invite cosponsors.

Briefly, the reforms which this proposed constitutional amendment seeks to effect are threefold in nature:

First. It abolishes entirely the office of presidential elector. The electoral vote per State—equal to the total number of Representatives and Senators, as under the existing system—is retained, but purely as an automatic counting device.

Second. It eliminates any possibility of an election being thrown into the House of Representatives.

Third. It does away with the so-called unit-rule system of counting electoral votes. Under the existing system, the candidate receiving a plurality of the popular vote in any given State is credited with all the electoral votes of that State, regardless of how infinitesimal the plurality. Under the proposed system, the electoral votes in each State are automatically divided among the candidates in direct proportion to the popular vote.

For example, a State has 12 electoral votes. Of the 2,400,000 popular votes cast in that State, "R," the Republican, received 1,600,000. "D," the Democrat, received 600,000. "T," the third party candidate, received 200,000. Under the present system, all of the State's 12 electoral votes would go to "R," the Republican. Under the proposed system, the electoral vote would be divided in proportion to the popular vote as follows: Eight electoral votes for "R"; three electoral votes for "D"; and one electoral vote for "T".

The electoral votes are computed to three decimal places. In the very remote, but mathematically possible, event of a tie, it is provided that the candidate receiving the greatest number of popular votes wins the election.

The electoral votes which each candidate receives, therefore, represent his proportional strength in the State. These votes are then taken and added to the electoral votes received in all the other States. The candidate having the greatest number of electoral votes wins the Presidency. Votes for Vice President are counted in precisely the same manner.

Since 1797, when the first constitutional amendment proposing reform of our procedure for electing the President was offered, hardly a session of Congress has passed without the introduction of one or more resolutions of this character. All these proposals recognized, as does the reform embodied in this Senate joint resolution which I offer, that the so-called electoral college system has never functioned as contemplated by the framers of the Constitution.

The delegates to the Constitutional Convention were, for the most part, definitely opposed to electing the President by direct popular vote, agreeing with George Mason, of Virginia, that "it were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man." The delegates distrusted the ability of the average citizen of that day to decide ques-

tions of such great gravity. Moreover, the discussions of the convention reveal that the delegates did not believe that it was possible for a voter in one State to know anything about the ability or character of public men in the other States scattered along our 1,500-mile shore line. In addition, those representing the smaller States believed that popular election would somehow increase the power and prestige of the more heavily populated States.

These considerations, after probably the most prolonged debate of the convention, led to adoption of the indirect method of electing the President. Under this plan, the States were to select well-informed public men who were to look the field over and elect a President and Vice President. In selecting these electors, each State was left free to use any procedure it might see fit to adopt—direct popular election of the electors on a general blanket ticket—the procedure used in all States today—or by single member districts; or by the vote of the legislature itself—a procedure which all the States had abandoned by 1860.

The electors so selected by each State should meet, it was decided, on a given date at a designated place within the State and vote by ballot for two persons. They were required to send a list of all persons voted for and the number of votes for each, to the President of the Senate, where, on a date fixed by law, they were to be opened in the presence of the two Houses, and the vote counted.

The person having the largest number of votes was to be declared President if such number were a majority of all the votes cast. The runner-up should be declared Vice President whether he had a majority or not—later modified by the 12th amendment.

This is the system which, modified by the 12th amendment, has continued in effect up to the present time. It has retained the original form even though all reason for this form has long since disappeared. The historian, Arthur M. Schlesinger, recently wrote in his book, "Paths to the Present":

> What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the electors' functions, though peaceably achieved, amounted to a coup d'etat. It was an amendment of the written Constitution by the unwritten Constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

Individual Members of Congress, of course, have always been mindful of the fact that this indirect method of electing the President stood in need of modernization. As stated before, the first legislative proposal for reform came in 1767, only 10 years after the Constitutional Convention itself. In the 70-year period between 1889 and 1960, more than 125 amendment proposals relating to the election of the President have been introduced in Congress. Prior to that time, proponents of the 12th amendment were successful in their efforts to correct the situation created by the Jefferson-Burr electoral-vote tie in 1800. Senator Thomas Hart Benton, of Missouri, with the strong support of President Andrew Jackson, made this a prime object of his concern over a period of 20 years in the 1820's and 1830's. Senator Oliver H. P. Morton, of Indiana, led the fight in the 1880's. The late Senator George W. Norris was the principal proponent of reform in more recent times; his proposal for direct popular election of the President failed to command the necessary two-thirds of the Senate in 1934. In both the 72d and 73d Congresses, House committees unanimously reported resolutions calling for abolition of the electoral college. In the 80th Congress another unanimous House Judiciary Committee report was submitted.

A side effect or advantage of this type of election reformation would be to reduce the emphasis now placed by candidates of various parties for public office on the solicitation of minority group votes. Nothing would do more to remove race, creed, and color from our national elections than for this election reformation to be approved.

As it has been pointed out, under the present system, one vote can deliver all the electoral votes of a large State into the hands of one candidate, these in turn being sufficient to swing the election of the whole country. Under the reformation I offer, this misrepresentation of the people's will would be eliminated. The one-vote vantage from a minority group would no longer exist, and the petty politics now played by politicians who prey on differences of men's race and religion would no longer enter the political arena.

I also believe the system outlined in the amendment offered will certainly create for us a more democratic method of electing our President and Vice President, for under this system every man's vote will be counted in the selection of President and Vice President.

I hope every Member of Congress will give this matter serious consideration for I certainly believe the day for reformation in this field is long overdue.

I want no one to think that my advocacy of this measure is prompted by, or in any way influenced by, the 1960 election.

I have proposed and supported such a change in our electoral college system ever since I became a Member of the U.S. Senate. It is only that the closeness of the recent election has stimulated thought in this direction and focused editorial and public opinion on the matter.

I ask unanimous consent that the proposed legislation be printed in the RECORD.

The PRESIDING OFFICER. 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. 2) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, introduced by Mr. JOHNSTON, 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 an amendment is hereby proposed to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by three-fourths of the legislatures of the several States. Said amendment shall be as follows:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The electoral college system of electing the President and Vice President of the United States is hereby abolished. The President and Vice President shall be elected by the people of the several States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress.

"Within forty-five days after such election, or at such time as the Congress shall direct, the official custodian of the election returns of each State shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall in the presence of the Senate and House of Representatives open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computations, fractional numbers less than one one-thousandth shall be disregarded unless a more detailed calculation would change the result of the election. The person having the greatest number of electoral votes for President shall be President. If two or more persons shall have an equal and the highest number of such votes, then the one for whom the greatest number of popular votes were cast shall be President.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. Paragraphs 1, 2 and 3 of section 1, article II, of the Constitution, and the twelfth article of amendment to the Constitution, are hereby repealed.

"SEC. 3. This article shall take effect on the tenth day of February following its ratification.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an

amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

PROPOSED AMENDMENT OF CONSTITUTION RELATING TO REVISION OF ELECTORAL COLLEGE SYSTEM

Mr. DODD. Mr. President, I introduce for appropriate reference a joint resolution which provides for an amendment to the Constitution of the United States concerning the election of the President and the Vice President.

The amendment which I offer would require that the electoral vote in each State be divided according to the percentage of the popular vote cast for each candidate. The candidate receiving the most electoral votes would be elected President, provided he received at least 40 percent of the total. In the event that no candidate received the required 40 percent, the President would be chosen from the two candidates with the highest electoral vote, by both Houses of Congress acting jointly, each Member of Congress having one vote with an absolute majority required for election.

There are four major defects in the present electoral college system that this amendment would remedy.

First, the American people, in increasing numbers, feel that some sleight-of-hand small print is depriving them of a direct and meaningful voice in the selection of a President. They want to have their votes count in the electoral college. The present system seems unfair and abnormal. The proportional plan would seem fair and normal to the average citizen. This at the outset gives us a valid reason for preferring the change since we not only want our election process to be fair, we also want it to seem fair and to be understood and respected by the people.

Second, the present system produces artificial distortions of our political process. The winner-take-all aspect in each State places an inordinate value upon the result in the several large States. The shift of a few thousand votes in these States would have elected Dewey in 1948. The shift of a few thousand votes in Illinois and New Jersey could have changed the result of an election as close as this past one. There is something wrong with an election system which hinges, not on the vote of 70 million, but on the vote of several thousand in a few key States.

Third, the present system artificially discourages the growth of the two-party system in States that are predominantly one-party today. There is little reason for the Republican in Georgia or the Democrat in Vermont to bother to vote on election day. There is no incentive for people to do the job of organizing, proselytizing, and propagandizing that must be done if minority parties are ever to grow into majority parties. A technicality which distorts the public will is holding back natural political developments.

Fourth, the present system drastically inflates the power of various blocs and pressure groups which are highly organized and which may hold the pivotal vote in the larger industrial States. Under the proposal I offer, the influence of these groups would be no greater and no smaller than their size warrants.

There are strong points in the present electoral college procedure which we must be careful not to undermine in our attempt at reform.

The present system usually produces a clear winner with a substantial majority in the electoral college; the size of the normal electoral margin is so decisive that the electors themselves are in no position to cause any mischief; and the growth of third parties has been discouraged, a fact which has contributed greatly to the stability of American politics.

If the electoral vote is made to conform exactly to the popular vote, the margin of victory will often be razor-thin and the winner will frequently have less than 50 percent of the electoral vote. From 1824 to the present about half of the Presidential winners have received less than a majority of the total popular vote.

This proposed amendment, therefore, contains provisions which preserve the stable aspects of our political system. It abolishes the electoral college while retaining the electoral vote. Each State would have the same number of electoral votes as at present and these votes would be automatically cast. There would be no individual electors.

It abolishes the present requirement that the victor receive more than 50 percent of the electoral vote. The Presidency would go to the man who received the most electoral votes, providing he received at least 40 percent. It is unlikely that third- or fourth-party candidates could attract enough electoral votes to reduce the percentage of the winner below 40 percent. This safeguard would prevent third and fourth parties from exercising a decisive effect and there would be no more incentive for their development than at the present time.

There will always be the problem of an inconclusive result which will throw the election of a President into the Congress, just as there is under existing law. In the event this occurs, I believe the proposed amendment offers an improvement over the current procedure. The present system gives one vote to each State and that one vote is arrived at by the unit rule balloting of each State's House delegation. Giving Nevada an equal voice with New York seems to me to be carrying concern for the prerogatives of small States to an absurd degree. My proposal would give each Representative and each Senator an individual vote in the selection of a President. Thus the proper strength of each State would be reflected.

In summary, I believe this proposal would give to each voter full participation in the election of a President. It would preserve the Federal principle and the protection which the Founding Fathers accorded to the smallest States when they conceived the electoral college. It would preserve the stability of our election process and would enhance rather than hurt the two-party system. And it would eliminate all the evils arising from the artificial importance which the unit rule system gives to a few large States and the pivotal blocs which spell victory or defeat in those States.

I do not wish to claim any originality for this proposal. There have been about 200 constitutional amendments introduced to revise the electoral system since the founding of the Republic. Many of these have been debated and voted upon by the Congress. There is nothing new in this field.

The amendment which I introduce today is drawn from previous proposals and represents what I feel to be the soundest approach and that most likely to be enacted into law.

I ask unanimous consent that this resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. 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. 4) proposing an amendment to the Constitution of the United States relative to the election of President and Vice President, introduced by Mr. DODD, was received, read twice by its title, referred to the Committe 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 an amendment is hereby proposed to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by three-fourths of the legislatures of the several States. Said amendments shall be as follows:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The electoral college system of electing the President and Vice President of the United States is hereby abolished. The President and Vice President shall be elected by the people of the several States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress.

"Within forty-five days after such election, or at such time as the Congress shall direct, the official custodian of the election returns of each State shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law

appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall in the presence of the Senate and House of Representatives open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computations, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person have at least 40 per centum of the whole number of electoral votes, then from the persons having the two highest numbers of electoral votes for President the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 2. Paragraphs 1, 2, and 3 of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution, and section 4 of the twentieth article of amendment to the Constitution, are hereby repealed.

"SEC. 3. This article shall take effect on the tenth day of February following its ratification.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

REAPPOINTMENT OF DR. JEROME C. HUNSAKER AS CITIZEN REGENT OF SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a joint resolution to provide for the reappointment of Dr. Jerome C. Hunsaker as Citizen Regent of the Board of Regents of the Smithsonian Institution. In this connection, I ask unanimous consent to have printed in the RECORD the attached statement about Dr. Hunsaker from Who's Who in America, 1960–61 at page 1423.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The joint resolution (S.J. Res. 6) to provide for the reappointment of Dr. Jerome C. Hunsaker as Citizen Regent of the Board of Regents of the Smithsonian Institution, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Rules and Administration.

The statement presented by Mr. ANDERSON is as follows:

WHO'S WHO IN AMERICA—1960–61

Hunsaker, Jerome Clarke (hŭn'sā kēr), aeronautical engineer; born Creston, Iowa, August 26, 1866; son of Walter J. and Alma H. Clarke; graduate U.S. Naval Academy, 1908; master of science, Massachusetts Institute of Technology, 1912, doctor of science, 1916; doctor of science, Williams College, 1916; Adelphi College, 1955; engineering doctorate, Northeastern University, 1945; married Alice Porter Avery, June 26, 1911; children: Mrs. Sarah Porter Swope, Jerome Clarke, James Peter, Mrs. T. A. Bird. Officer, later advancing to commander, Construction Corps, U.S. Navy, 1909–26; instructor of aeronautic engineering, Massachusetts Institute of Technology, 1912–16; in charge of aircraft design, Navy Department, Washington, D.C., designed airship *Shenandoah*, and flying boat NC–4 (first to fly Atlantic), 1916–23; assistant naval attaché, London, Paris, Berlin, Rome, 1923–26; assistant vice president, Bell Telephone Laboratories (wire and radio services for airways), 1926–28; vice president, Goodyear-Zeppelin Corp., 1928–33; head of Department of Aeronautical Engineering, Massachusetts Institute of Technology, 1933–51, now professor emeritus; director, McGraw-Hill Publishing Co., Shell Oil Co., Goodyear Tire & Rubber Co.; member, advisory board, Sperry-Rand Corp.; scientific advisory council, Chrysler Corp.; director, Tracer-lab, Inc.; member, board of trustees, Boston Museum of Science; regent, Smithsonian Institution. Captain, USNR (retired); Chairman, National Advisory Commission on Aeronautics, 1941–56. Awarded Navy Cross, Medal for Merit (United States); Legion of Honor (France); Daniel Guggenheim Medal, Franklin Medal; Wright Bros. Memorial Trophy; Godfrey L. Cabot Trophy, 1950; Langley Medal, 1955; Gold Medal of Royal Aeronautical Society (Great Britain), 1957; Navy award for distinguished public service, 1958. Fellow, American Physical Society, American Academy of Arts and Sciences; honorary fellow, Institute of Aeronautical Sciences, Royal Aeronautical Society of Britain, Imperial College of Science (London); honorary member, American Society of Mechanical Engineers, Institute of Mechanical Engineers (London); member, American Society of Naval Architects and Marine Engineers, American Society of Automotive Engineers, National Academy of Science, American Philosophical Society, Delta Kappa Epsilon, Sigma Xi. Clubs: Century (New York City); Army and Navy (Washington); St. Botolph (Boston). Contributor to journals of professional societies. Home: 10 Louisburg Square, Boston. Office: Massachusetts Institute of Technology, Cambridge, Mass.

FOUR-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. CASE of South Dakota. Mr. President, I submit a joint resolution proposing an amendment to the Constitution providing for a term of 4 years for Members of the House of Representatives. This joint resolution has been particularly worked out to take into consideration the problem of an equal division between the odd-numbered and even-numbered districts following congressional reapportionments due to the census. I think the joint resolution is workable and practical and one that deserves adoption.

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

The joint resolution (S.J. Res. 11) proposing an amendment to the Constitution of the United States providing for a term of 4 years for Members of the House of Representatives, introduced by Mr. CASE of South Dakota, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO CONGRESSIONAL SYSTEM FOR CHOOSING PRESIDENT AND VICE PRESIDENT

Mr. MUNDT. Mr. President, on behalf of myself, the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. BLAKLEY], I introduce a joint resolution providing for a constitutional amendment to set up a congressional system for choosing presidential electors.

In my belief and the belief of those who join with me in cosponsoring the joint resolution, this amendment offers a simple and sound way of providing the electoral college reform that many Americans feel should be made, without losing the values inherent in the electoral college.

This amendment, known for a number of years as the Mundt-Coudert amendment, makes no change in the fundamental Federal structure of the Republic, as it was established by the Constitution of the United States. This is not true of any of the other proposals which have been advanced to change the system of voting for President.

This congressional system would guarantee equality in voting for President to every voter in every State. Each voter, no matter where he lived, would vote for three, and only three, presidential electors who would represent him in the electoral college just as he is represented in Congress by two Senators and one Representative.

The central provision of the proposed amendment reads:

The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitles the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken.

This provision for compact and contiguous territory and for nearly equal populations eliminates any chance of gerrymandering for partisan purposes, as is now permissible for congressional districts. This would be true no matter what party controlled a State's legislature. As originally introduced, the Mundt-Coudert amendment did not include this antigerrymandering provision.

The proposed amendment maintains the majority requirement for election of the President by the electoral college. This is the true source of our two-party system. The amendment provides that if no man receives a majority of the electoral vote, the President shall be chosen, from among the men having the three highest totals of electoral votes, by a joint session of Congress, each Senator and each Representative having one vote.

I ask unanimous consent that the joint resolution, since its text is brief, appear at that point in the RECORD.

The PRESIDING OFFICER. 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. 12) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, introduced by Mr. MUNDT (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 part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken. In choosing electors of President and Vice President the voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors chosen; and the person having the greatest number of votes for Vice President shall be the Vice President, if such a number be a majority of the whole number of electors chosen.

"If no person voted for as President has a majority of the whole number of electors, then from the persons having the three highest numbers on the lists of persons voted for as President, the Senate and the House of Representatives, assembled and voting as individual members of one body, shall choose immediately, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of the Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if additional ballots be necessary, the choice on the fifth ballot shall be between the two persons having the highest number of votes on the fourth ballot.

"If no person voted for as Vice President has a majority of the whole number of electors, then the Vice President shall be chosen from the persons having the three highest numbers on the lists of persons voted for as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 3. This article supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the 12th article of amendment to the Constitution and section 4 of the 20th article of amendment to the Constitution.

"SEC. 4. This article shall take effect on the first day of July following its ratification, but shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within 7 years from the date of its submission to the States by the Congress."

Mr. THURMOND subsequently said:

Madam President (Mrs. NEUBERGER in the chair), it is a pleasure for me to make this statement during the time my good friend, the distinguished junior Senator from Oregon, is presiding over the Senate for her first time.

Madam President, it is my sincere hope that in 1961 a proposed constitutional amendment will be submitted by Congress to the State legislatures for their consideration in order to remedy the obvious defects of the electoral college system. Although the method of election of a President was probably the most generally accepted feature of the Constitution when its adoption was being considered, it has proved to operate less as intended of all the provisions of that basic document and, from almost the beginning of its operation, has been the subject of vigorous and valid criticism.

Of all the numerous proposals for change in the electoral college system, the one embodied in the resolution we introduce today is best calculated to remedy the defects of the existing system in a manner consistent with the guiding principles established in the Constitution, which have provided an immeasurable bounty to generations of Americans.

The advantages of this proposal are numerous, and I shall take time to list only a few of them.

In the first place, the district system proposed in this resolution more nearly reflects the will of the people than does the present system. Rather than a mere plurality in each State determining the electoral vote for the entire State, under the district system the plurality over an entire State will determine only 2 electoral votes, and the remaining 435 electoral votes will each be determined by a plurality in 1 district. This system will provide an added incentive to individuals to exercise their ballots in presidential elections, as electors in districts would be as close to the people as their Representative in Congress. The district system is also calculated to broaden interest nationally in obtaining the best qualified persons possible as candidates for President and Vice President, since availability would no longer be limited to persons from large pivotal States.

Because the district system would provide the same form of constituency for the President as the entire Congress now has, it would increase the probability that the administration and the Congress, at least in the first 2 years of a new administration, would be of the same political party.

Madam President, the district system would, in fact, reinstitute, to a large extent, the intention of the Founding Fathers in designing the electoral system, for in the early days of our Republic the district system was used almost exclusively for the election of presidential electors. While retaining, both in theory and practice, the concept of federalism, which is the foundation of our governmental system, the district system would at the same time equalize the voting power of each citizen regardless of the size or total electoral vote of his home State, for under this proposal each citizen in each State would cast a ballot for three presidential electors.

Madam President, it is my sincere hope that the press of day-to-day crises will not cause the relegation of this vital procedural reform to the well-known pigeonhole. Action on this matter is long overdue, and I sincerely hope that the committee will act promptly on this proposal.

I may say that this joint resolution is the same as that which was introduced in, I believe, 1957 by the distinguished senior Senator from South Dakota [Mr. MUNDT]; our present majority leader, the distinguished senior Senator from Montana [Mr. MANSFIELD]; and the junior Senator from South Carolina.

Madam President, I ask unanimous consent that these remarks appear at the conclusion of the remarks made today on the same subject by the distinguished Senator from South Dakota [Mr. MUNDT].

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

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

Mr. MORSE. Madam President, I ask unanimous consent that the resolution just referred to by the Senator from South Carolina, and any other measures

which may be introduced this afternoon in this discussion, may be introduced under the same understanding as was granted to the Senator from Oregon with respect to the introduction of my bills a few minutes ago; namely, that such introductions will in no way change the parliamentary situation in the Senate with regard to the parliamentary rulings which we have had concerning the conduct of business in the Senate. It will be understood that the introduction of these measures does not mean that we will be doing business under the old rules of the Senate in any manner that will affect the rule of debate which is now going on in the Senate.

Mr. THURMOND. Madam President, I wanted to be certain that my remarks will follow those made earlier today on the same subject by the distinguished Senator from South Dakota [Mr. MUNDT].

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

PROPOSED AMENDMENTS OF CONSTITUTION RELATING TO FEDERAL ELECTORAL SYSTEM

Mr. KEFAUVER. Mr. President, I introduce seven joint resolutions, each of which contains a proposed constitutional amendment with respect to our Federal electoral system. I ask that these resolutions be referred to the appropriate committee, but, before they are so referred, I ask unanimous consent that their text be printed at this point in my remarks and that they lie on the table until the close of business, Monday, January 8, to permit other Senators, who might so wish, to join in sponsorship of one or more of these resolutions by giving their names to the bill clerk.

Mr. President, as you know, during the 86th Congress, two-thirds of both Houses of Congress agreed on an amendment to enfranchise the District of Columbia in presidential elections. This proposal is now before the State legislatures for ratification. I, for one, hope it will receive prompt affirmative action and the people of the District will be able to vote in 1964.

Two other electoral reforms were passed by a two-thirds vote in the Senate but died in the House. One of these relates to the abolition of the poll tax, and its passage in the Senate was due primarily to the energetic leadership of the distinguished senior Senator from Florida [Mr. HOLLAND]. When he introduces the proposal this year, I hope it will be my honor to be included among the cosponsors.

The Senate also adopted but the House also failed to act on a proposal of mine to empower Governors to fill vacancies in the House of Representatives temporarily in case the membership of the House drops below 50 percent as the result, for example, of a nuclear attack. I am reintroducing that resolution today.

These reforms, as important as they are, represent improvements in the periphery of the Federal electoral system.

Every Member of this Senate will agree that the Constitution should be amended only upon a clearly demonstrated need. I believe that almost every Member, if not every Member, will agree that such a need for reform of its central provisions dealing with our Federal electoral system has been demonstrated on numerous occasions—most recently this fall.

Probably the most urgently needed reform is to rid ourselves of the antideluvian electoral college. This can be done without scrapping the electoral vote which is weighted slightly in favor of the less populous States. One of my present proposals would accomplish this purpose by dividing a State's electoral vote proportionately among the candidates according to their popular vote in that particular State.

The second most urgently needed reform is to establish a system of national primaries. The present system of hit-and-miss primaries in a few States is probably worse than none at all. Rather than attempt to set out the details for national primaries in the proposed amendment itself, I would urge adoption of an enabling amendment, whereby Congress would be empowered to enact legislation establishing and regulating national primaries. Thus, there would be flexibility for trial-and-error improvements in the system.

We also have the serious problem of disenfranchisement of a large number of Americans because of the mobility of our way of life. In the last presidential election, it has been estimated that more than 1 million Americans were not permitted to vote because they could not meet the residence requirement of the State into which they moved and they were not permitted to vote by absentee ballot in the State from which they moved. One of my proposed constitutional amendments would remove this inequitable situation from our system.

Another proposed change would reduce the voting age in Federal elections to 18 years. It is undoubtedly trite to say, "If a man is old enough to fight for his country, he is old enough to vote." But, trite or not, it is true.

During the last session, the distinguished minority leader [Mr. DIRKSEN] joined me in sponsoring an amendment to solve the problem of presidential disability. I hope he will continue his support of the resolution this year. This is one problem that should not be permitted to go unsolved any longer. The details of the plan have been refined and refined many times and should be acceptable to the vast majority of both Houses.

I am also reintroducing the resolution to repeal the 22d amendment. The people of this country should be able to put aside the two-term tradition in case of an emergency. Once the circumstance arises, it is too late, because repeal takes time and that would be the one missing but essential ingredient. I urge prompt repeal of the 22d amendment.

The PRESIDING OFFICER. The joint resolutions will be received and appropriately referred; and, without objection, the joint resolutions will lie at the desk until the close of business on Monday, January 9, as requested by the Senator from Tennessee; and be printed in the RECORD.

The joint resolutions, introduced by Mr. KEFAUVER, were severally received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S.J. Res. 14. Joint resolution to amend the Constitution of the United States concerning residence requirement for voting for President and Vice President of the United States.

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 part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"The residence requirement for voting for President and Vice President shall be residence within one of the several States for a period not to exceed one year. A qualified voter changing residence from one State to another shall be entitled to vote for President and Vice President by absentee ballot in the State from which he moves for a period of two years after the change of residence, provided he is not qualified to vote in another State within that period."

S.J. Res. 15. Joint resolution proposing an amendment to the Constitution to repeal the 22d article of amendment to the Constitution.

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 as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The twenty-second article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

S.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President by primary elections.

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 part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE—

"The Congress shall have power to provide for nomination of candidates for President and Vice President by primary elections to be held in each State, the District of Columbia, and the territories, and to make all laws which shall be necessary and proper for carrying into execution this provision."

S.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

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 an amendment is hereby proposed to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The electoral college system of electing the President and Vice President of the United States is hereby abolished. The President and Vice President shall be elected by the people of the several States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress.

"Within forty-five days after such election, or at such time as the Congress shall direct, the official custodian of the election returns of each State shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall in the presence of the Senate and House of Representatives open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has at least 40 per centum of the whole number of electoral votes, then from the persons having the two highest numbers of electoral votes for President the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 2. Paragraphs 1, 2, and 3 of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution, and section 4 of the twentieth article of amendment to the Constitution, are hereby repealed.

"SEC. 3. This article shall take effect on the 10th day of February following its ratification."

S.J. Res. 18. Joint resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

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, and shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"On any date that the total number of vacancies in the House of Representatives exceeds half of the authorized membership thereof, and for a period of sixty days thereafter the executive authority of each State shall have power to make temporary appointments to fill any vacancies, including those happening during such period, in the representation from his State in the House of Representatives. Any person temporarily appointed to fill any such vacancy shall serve until the people fill the vacancy by election as provided for by article I, section 2, of the Constitution."

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States relating to cases where the President is unable to discharge the powers and duties of his office.

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 part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. In case of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired portion of the then current term.

"SEC. 2. If the President shall declare in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 3. If the President does not so declare, the Vice President, if satisfied that such inability exists, shall, upon the written approval of a majority of the heads of the executive departments in office, assume the discharge of the powers and duties of the office as Acting President.

"SEC. 4. Whenever the President makes public announcement in writing that his inability has terminated, he shall resume the discharge of the powers and duties of his office on the seventh day after making such announcement. But if the Vice President, with the written approval of a majority of the heads of executive departments in office at the time of such announcement, transmits to the Congress his written declaration that in his opinion the President's inability has not terminated, the Congress shall thereupon consider the issue. If the Congress is not then in session, it shall assemble in special session on the call of the Vice President. If the Congress determines by concurrent resolution, adopted with the approval of two-thirds of the Members present in each House, that the inability of the President has not terminated, thereupon, notwithstanding any further announcement by the President, the Vice President shall assume the discharge of such powers and duties as Acting President until the occurrence of the earliest of the following events: (1) the Acting President proclaims that the President's inability has ended, (2) the Congress determines by concurrent resolution, adopted with the approval of a majority of the Members present in each House, that the President's inability has ended, or (3) the President's term ends.

"SEC. 5. The Congress may by law provide for the case of the removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected. If at any time there is no Vice President, the powers and duties conferred by this article upon the Vice President shall devolve upon the officer eligible to act as President next in line of succession to the office of President, as provided by law.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

S.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote.

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 hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes, as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"The right of citizens of the United States, who have reached the age of eighteen years, to vote shall not be denied or abridged by the United States or by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation."

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. WILLIAMS of New Jersey:

Address entitled "This Is My Country," delivered by Senator MUSKIE at a recent meeting of the Florida Civil Liberties Union, in Miami, Fla., emphasizing that differences among peoples of this Nation can be a source of strength rather than a source of weakness.

By Mr. WILEY:

Special economic report by him.

GOVERNOR ROCKEFELLER'S ANNUAL MESSAGE

Mr. KEATING. Mr. President, yesterday marked the opening of the 184th

session of the New York State Legislature.

Governor Rockefeller personally delivered his annual message to the legislature, outlining his legislative program for the State. This was an outstanding message, covering a wide range of important issues and problems. It reflects again the great quality of leadership and the great concern for the welfare of the people for which Nelson A. Rockefeller is already renowned.

This morning's New York Times and New York Herald Tribune both commend the Governor's forward-looking approach to the problems facing the Empire State, and pay high tribute to the contents of the Governor's inspiring remarks. I ask unanimous consent that the editorials appearing in the New York Herald Tribune and the New York Times be printed at this point in the RECORD.

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

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

[From the New York Herald Tribune, Jan. 5, 1961]

ROCKEFELLER PROGRAM: DIRECTION FORWARD

Governor Rockefeller, in his first 2 years at Albany, got the State's fiscal house in order by raising taxes and returning to pay-as-you-go financing.

Now that Mr. Rockefeller enters the second half of his first term, where is he heading?

In yesterday's message to the legislature the Governor covered, as is customary, a lot of ground. He did considerable generalizing, leaving many specifics for later in the session. But the program is nevertheless a positive one, liberal in outlook, which clearly means to keep the State of New York moving forward.

More spending is in prospect. The Governor wants educational opportunity expanded; the people have already heard how college facilities need to be tripled by 1985. A tremendous increase in highway construction and other public works is projected. There will be renewed encouragement of industrial expansion and job opportunity. Medical aid to the needy over age 65, largely through available Federal funds, is recommended.

Of most immediate interest, of course, is the reaffirmation of a flat 10-percent refund on personal income tax for 1960 earnings. The Democratic minority dislikes the across-the-board formula, but we believe Mr. Rockefeller is right in insisting on the same percentage of relief for every taxpayer. He also urges equal tax treatment for nonresidents on itemized deductions, an old grievance on which there should be no further boggling for any reason.

The ailing commuter railroads are recommended for more and faster assistance, but the service must continue and improve. Here the Governor also mentions the full-crew laws, which the railroads call featherbedding, and tentatively calls for adjustment.

On rent control, Mr. Rockefeller favors another 2-year extension with modifications intended to eliminate inequities and abuses. Someday, perhaps, this State will get around to more fundamental consideration about how long a temporary emergency can be allowed to continue.

This year the Governor again says he wants an antidiscrimination law for sales and rentals of private housing in developments. He couldn't get it at the last session, but on civil rights Mr. Rockefeller is an extraordinarily determined man.

There is much more in the message—for instance court reorganization, a possible salary raise for some State employees, and a more realistic Condon-Wadlin law against public strikes. But there is no mention of fallout shelters or new methods of school taxation. The Governor seems content to let unpopular bygones rest.

In short, there is so far a minimum of the controversial but plenty of constructive action in prospect. It should be a busy and productive winter in Albany.

[From the New York Times, Jan. 1, 1961]

THE ROCKEFELLER MESSAGE

Having dramatically restored New York State's fiscal integrity in his first 2 years in office, Governor Rockefeller in his third annual message is able to turn away from the issue of sufficient taxation and address himself more completely to helping people meet their problems through creative leadership of government. He puts it this way: Government must have a heart as well as a brain.

Education of youth, concern for the welfare of the family, attention to the needs of senior citizens—these are basic among the challenges facing State government. A solvent State has no meaning if tax revenues are not wisely expended to serve these fundamental aspirations. The Governor's recurrent theme is initiative for close partnership between State and local governments, with establishment of a new executive office of urban development a feature of this collaboration.

The dimensions of the Rockefeller program on education and higher education remain to be defined later, but the direction is unmistakable for vastly larger State expenditure. The Governor's interest in health, housing, fair pay for State employees, migrant labor, a wide range of youth problems, the enlargement of employment opportunities and improvement of business climate, control of water pollution, court reorganization, voting law revision, the social problems left in the wake of greater automation, the wise control of billboard advertising on highways, suggests the generous scope of subject matter proposed to the legislature.

The Governor is determined to press forward to a solution of railroad problems. He girds for the fight on featherbedding laws, and makes it rail labor's duty to join in rescue of the railroads. He states well the case for revision of the Condon-Wadlin law, noting that even the "threat" of a strike by governmental employees is "wrong in principle."

Despite proposing the largest capital construction program ever undertaken, Mr. Rockefeller foresees a budgetary situation permitting the 10 percent income tax refund promised earlier. The Governor's budget message in early February will offer the opportunity for further comment on many phases of yesterday's message where evaluation depends on the amount of money put behind them.

Mr. Rockefeller returns aggressively to the battle against discrimination in sale and rental of private housing. Here as on other controversial matters he speaks with courage and determination as he asks the legislature to join him in getting on "with our important work." This is a message long with problems, warm with its understanding of human needs, and intelligent in its offered solutions.

THE CASE AGAINST REFORMING OUR POLITICAL SYSTEM

Mr. DODD. Mr. President, on November 21, 1960, I had the honor of addressing the New England Society in New York City. The speech dealt with some questions which are being widely discussed at the moment, the proper role of political platforms, party caucuses, party discipline, legislative compromises, and the doctrinaire approach to political problems.

These remarks prompted editorial comment from a number of newspapers which throws added light on the subjects discussed.

In the hope that the speech and the editorial comment will prove useful to others, I ask unanimous consent that they be printed at this point in the RECORD.

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

THE CASE AGAINST REFORMING OUR POLITICAL SYSTEM

(Remarks of Senator THOMAS J. DODD, at the annual festival dinner of the New England Society in the city of New York, Monday, Nov. 21, 1960)

I open my remarks tonight with what may be my first and last specific reference to New England, a quotation from a famous native son of Boston, Benjamin Franklin. As he left the final session of the Constitutional Convention of 1787, Franklin was asked by an onlooker, "What have you given us?" He replied, "We have given you a Republic—if you can keep it."

The keeping of this Republic has seemed to me one of the great romances and adventures of all history. It has, like a chariot in headlong flight, careened through tempestuous decades, swerving past the pitfalls of tyranny by the few and tyranny by the many, surmounting the divergent obstacles of centralization and of disunion. In every generation it has been in danger of overturning, as it always will be, as it is today.

The survival of a republic depends upon its being understood and appreciated. I fear it is less understood and less appreciated today than it has been for a century and I take up the subject tonight, against the background of our recent election, in the hope that I will lessen and not add to the confusion.

A republic, as we all know, is a form of government in which sovereign power is exercised by elected representatives; not by tyrants, not by the people, but by elected representatives. A republic is better than a tyranny or an oligarchy for obvious reasons. It is better than pure democracy because pure democracy on any wide scale always leads to dictatorship, for the simple reason that a great mass of people cannot be sufficiently informed and has no effective means of registering its will. On come the crowd manipulators, the Julius Caesars and the Robespierres, to assume dictatorial powers on the pretense that they speak in the name of the people. And those powers will eventually be formalized and placed in the hands of an emperor, an Augustus or a Napoleon. There is thus a terrible serpent lurking in the flowery verbiage which adorns democracy.

There are three essentials to republican government: representatives with limited powers freely chosen by the people; institutions which give the people a true and honest voice in their selection; and safeguards which protect legislatures against usurpation and insulate individual representatives from intimidation.

Conservatives have traditionally erred when they have resisted attempts to make the system truly representative. Liberals have erred when they have, in the name of the people, sought to impair the independence of elected representatives.

The conservatives were wrong when they resisted such measures as the extension of

the voting franchise, the direct election of Senators, and the State primary system, measures intended to make our system truly representative by abolishing the frauds and manipulations which resulted in minority rule.

The liberals were wrong when they promoted such schemes as the initiative, the referendum, and the recall, which substituted plebiscites for the action of legislatures and which sought to intimidate elected officials with the threat of dismissal for opposing the popular sentiment at any given moment.

And I think the liberal innovators are wrong today when they try to whittle away at the deliberative process, when they attack the committee system of the Congress, when they condemn its rules as antiquated, when they talk speciously of mandates, when they propose binding party platforms, and binding party caucuses that are to take primacy over the independent judgment of the elected official.

After every election the air is filled for a time with talk of a mandate from the people. The winning party, its supporters in the press, on the campus and elsewhere, will claim that the election was a public mandate for the carrying out of some specific, far-reaching program of action. The losing party will either deny this or remain silent dependent upon whether the election was close or decisive. But there seems to be a tacit acceptance by both sides that mandates are part of our system. This is nonsense, and it is nonsense that holds great danger for a republican form of government.

A mandate, according to Mr. Webster, is an authoritative command. A mandate implies that the discretion of elected representatives has been superseded by the will of the people, supposedly registered in the election, which must be automatically carried out. The trouble with the mandate theory, aside from the constitutional objections, is that it presupposes a number of conditions that do not exist. It presupposes that the candidates of a party are uniformly committed to a set of proposals outlined in a party platform, that the party platforms offer a distinct choice to the people, that the people carefully study the opposed platforms and that on election day they vote for the platform rather than for the man.

Perhaps the fallacy of this approach can best be demonstrated by a realistic look at what really happens in an election. Let us take the case of a relative newcomer to politics who is running for the U.S. Senate for the first time.

He starts off with a party affiliation which will predispose a minority of the voters in his favor and a like minority against him. This affiliation gives the people a vague idea of his general approach to problems but rarely enough of an idea to obligate or commit him to specific actions. His main task is to make himself known to the people and he is told that it is more important to distribute his picture than his platform. When he is quoted in the press, his words are as apt to be out of context as in context. It is his attacks rather than his proposals that are printed.

Though he may start campaigning with a set of serious speeches on the issues, he will soon find that they will not hold the interest of his audiences. His jokes will get more response than his philosophy. His homely illustrations will make more points than his most profound observations. Therefore, he quickly changes his approach and evolves a standard speech which covers just about everything in the most general terms. He will talk more about Franklin D. Roosevelt or Abraham Lincoln than about his blueprint for the future. Much of the time he will be invading factories and shopping centers to shake hands and introduce himself. If he is robust enough to endure more of this than his opponent, he has a distinct advantage that has nothing to do with his political views.

A politician instinctively knows that it is the public estimate of his personal qualities rather than his political dogma that will win or lose the election. That is why candidate Jones will design his 10-second television "spots" and his billboards something like this:

"Vote for Jones—Honest, courageous, independent."

He will not say:

"Vote for Jones—Galbraith's economics, Schlesinger's politics, bound by the Los Angeles platform."

And so, on the day after election when the candidate honestly tries to figure out how he happened to win, if he is frank with himself he finds it all an enigma.

Was it his politics or his profile that won the election? Was it his rhetoric or his religion, his ethics or his economics? Was it because the people liked him or because they disliked his opponent? Was it what he was known for or merely that he was known? Was there a mandate for what his party proposed to do or a protest against what the other party had already done? Was he elected on his own or was he pulled in by the popularity of another candidate for another office?

He will never really know the answers. All he can know for certain is that he has been lawfully chosen by the people to act as their representative for 6 years and at the end of those 6 years, he will have to submit himself to them once more.

How foolish then, how pompous, for him to alight in Washington 2 months later, claiming that he has a mandate to carry out this or that program.

Let us follow our candidate through a couple of terms. As he casts hundreds of votes, his philosophy becomes clearer to those few who care to study it. I am told there are a large number of my constituents in the audience tonight but I'll bet there is not a man here who knows how I have voted on 10 issues out of the hundreds I have voted on.

As the incumbent Senator becomes identified with this or that cause, he is apt to be judged by the public in terms of the manner in which he makes his fight rather than the fight itself, and in terms of personal qualities rather than political issues. For example, Senator Taft was loved and trusted, not so much for his program as for the sturdy integrity and candor with which he fought for it. The man who is always in the midst of heated controversy may leave an impression of either courage or of rashness but he is unlikely to leave a clear understanding of his total philosophy. If he fights for the underprivileged, his supporters will credit him for his compassion rather than his sociology. If he fights for a stable currency, he will be hailed for his soundness and his responsibility but his views about the Federal Reserve System will ever remain a mystery to the general public. And opposite traits of character will be assigned to the hapless politician by those to whom he does not appeal.

It is this tendency of the public to judge a candidate in terms of his character that confounds the neat classifications of the political theorists. Thus in 1952 the people of Massachusetts gave huge majorities to Dwight D. Eisenhower and John F. Kennedy. Thus in 1956 the people of Oregon gave record landslides both to President Eisenhower and to his most conspicuous critic, Senator WAYNE MORSE. And we could find dozens of similar examples in the recent election, such as the victory for Kennedy and Saltonstall in Massachusetts, or the victory for Nixon and Maurine Neuberger in Oregon.

"What a way to run a country," the critic will say. And it does seem somewhat illogical until you recall that the representative principle intends the people to vote, not for ideologies or factions, but for flesh-and-blood men. The true representative principle consists of this: you pick a man to make your legislative decisions on the basis of his character and his specialized knowledge, just as you pick a lawyer or a doctor to make your legal or medical decisions on the same basis. You aim at a general result. You cannot ascertain the rightness or wrongness of everything which your representative or your lawyer or your doctor does, but you can judge the result. If the result is good, you will keep him on. If it is bad, you will drop him. And if he is a good man, he will not let you boss him around while he is on the job.

Abraham Lincoln gave voice to this sentiment once when he was being attacked from all sides and was being urged to defend himself and his policies. He said, "I will do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right will make no difference."

What is the function of the elected representative? To be sure, the fact that he seeks office under the auspices of a political party obligates him to pursue a certain general attitude, an attitude which he voluntarily embraced when he joined that party in the first place. But if pitching is 75 percent of a baseball game, as Connie Mack once said, party conformity is only 25 percent of the political game.

Political affiliation gives him a certain insight, a certain approach to the hundreds of issues of the time but it does not give him the concrete practical answers. Those he must seek out for himself, based on individual examination. And he should be let alone by his party and by the public in arriving at his decision. Party ideology and private self-interest hold no magic answers to the agricultural problem, to the question of nuclear arms, to the problems of sound currency or full employment or foreign policy or any of the other complicated issues before us. Therefore, in conscience, in theory and in practical fact, the elected representative can assume his duties free from any commitments except those which he has freely made himself. And I say that he should violate even those commitments, should his reason lead him to do so in the national interest.

What is the function then of the people with respect to their representatives? Aren't the people the boss after all? I would put it this way. The people have the right to hire and fire but they do not have the right to give on-the-job direction. They can and should give advice. They should let their man know what they think and why, but they should not try to intimidate him and he should not submit to intimidation.

This is the essence of the representative system. I think the American people prefer it this way. It is only the extremists, the vested interests, the doctrinaires, the organizers of blocs who would undermine representative government and make of their elected representatives so many rubber stamps.

The humble party platform of old so long neglected and lampooned, has like Cinderella, suddenly come upon better days. For long decades, party platforms were ambiguous and friendly documents which tried to please everyone and which were, like the customs described in Hamlet, "more honored in the breach than in the observance." Platforms excited little interest in the land and passed from the scene quietly and unmourned after each convention, forgotten

except by students of historical curiosities and occult phenomena. But this happy condition is passing.

One of the most popular criticisms of our system today is the oft-heard complaint that party platforms don't mean anything. If this were merely the assertion of a fact, I would not be disturbed. But the implication usually present is that party platforms ought to mean something, that they ought to be translated into law. Should this attitude become widely held it would constitute a grave threat to representative system. And it is becoming widely held.

One of our favorite political shell games is the brandishing of a party platform under the nose of an opponent in debate while pointing out, to that fellow's embarrassment, that his party platform pledged him to do something he did not do. Unfortunately, the victim of this game will usually reply that he really is carrying out the platform in his own way or that he just needs more time or different circumstances. What ought to be said is that the resolutions adopted by a political convention can never be more than advisory and that any attempt to make them more than advisory is an attempt to usurp the legitimate function of elected representatives.

The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and the Congress to the 4-day drafting process of nonelected members of a party platform committee.

This is not meant to cast any reflection on the platforms of either party or on the fine and able men who drafted them. It is an attack upon the contention that party platforms can have any sort of binding nature upon elected representatives.

The party platform is written by persons who are never chosen for that task by the people. Though a minority of convention delegates are chosen by some form of primary election, most are not, and none are elected for the specific task of deliberating upon a platform.

I have served on platform committees in two conventions and I know something of how they operate. For 4 or 5 days committee members sit wearily listening, while a hundred witnesses hurry through their written texts in unbroken monologues. Occasionally the spectacle will be enlivened by the cheers or boos that may greet a controversial witness but this does nothing to elevate the process. At any given time a large number of platform committee members will be absent and even those who brave it through have no time or opportunity for assimilating the conflicting testimony. There is no real confrontation of opposed views.

While the show is going on out front, a small group of experts in the back room, consisting mainly of staff members who are not even delegates, writes the party platform. In the end, it is the result of the back room work that is presented to a sleepy platform committee in the wee hours of the morning, a committee that has neither the time nor the means to dispute more than one or two of the hundreds of platform planks. Thus the platform committee adopts the platform without anything that could be seriously called deliberation. And a few hours later the whole convention ratifies it in a perfunctory manner except for the traditional brief squabble over civil rights. Under the latest innovation, the platform is not even read to the delegates before they pass upon it. Instead, they are shown a dramatized version filmed weeks or months previously which covers some of the highlights. That is how a party platform comes into being.

I agree with a good deal that is in the Democratic platform (and the Republican platform, for that matter). I will support many of its principles. But I would never entertain the suggestion that I or any other Senator was obligated to support any section of it merely because it was adopted by our party convention. The concept that a convention platform is binding upon elected Representatives in the Congress is absolutely inimical to our system of Government. Theirs, and theirs alone, is the final responsibility for legislating.

I believe that party platforms, except for a general statement of goals and attitudes, ought to be done away with. They are anomalies that have no legitimate status under our Constitution. So long as they are not taken seriously, they are a source of cynicism about the integrity of our political process. And so soon as they are taken seriously, they will start to undermine our republican form of government.

A presidential candidate ought to announce his own platform, describing his general approach, as of the moment, to basic issues. I think each candidate for Congress or the Senate ought to do the same. But any attempt of a party convention to dictate to a President or a Congress concerning constitutional responsibilities cannot be countenanced.

Ever and anon, there arises the mournful lament that our political institutions are antiquated. It seems we are out of date. We are still in the 18th century. We must revamp our institutions to make them reflect more accurately and more swiftly the public will. Whenever I hear this sort of introduction, I am pretty sure that some dreadful outrage upon our representative system is about to be proposed. And I am seldom disappointed.

"We must speed up the legislative process," so the experts say. "We must give more representation to the urban centers and less to the small States and rural areas. We must overhaul the committee system of Congress and do away with obstructionism. We must develop party caucuses in Congress that will be binding on all party members. And above all, we must have more party responsibility."

There is one standard which I apply to all of these proposals. Do they enhance or detract from the independent functioning of the individual Representative? Some of them, such as proposals to reform the House Rules Committee practices, do enhance the independence of the average legislator because they return to him powers that are now being exercised in his name by the Rules Committee. And I support proposals to limit filibusters in the Senate because, through this device, a minority of my fellow Senators restrict my independent functioning by depriving me and the majority of my colleagues from the opportunity to vote our convictions. So, I would welcome some changes. But most of these proposals are dangerous in the extreme to republican government.

Speeding up the legislative process means depriving the individual legislator of an opportunity to influence the final decision. Any radical change in the system of representation in favor of big city areas would pose a serious danger to minority rights which need some advantage if they are to be protected and would further subject the Congress to the intimidation of the organized groups, lobbies and blocs that are characteristic of urban society.

The abolition of the seniority system would deprive the legislator of that security of tenure on a committee which enables him to pursue his independent judgment, free from the fear that colleagues who disagree could deprive him of his position.

The growth of the party caucus system ought to be resisted. If the day comes when party caucuses are binding upon legislators, independent judgment will go out the window and the majority of the Congress will be dictated to by that minority which happens to control one of the two party caucuses.

The term "party responsibility" is one of the most sonorous and misleading euphemisms of political parlance. What it really means is a party control. And party control is incompatible with independent individual judgment. I believe in that kind of party responsibility and party unity which finds men with voluntarily shared common principles banded together to carry them out. This is the only kind of party unity compatible with our constitutional system.

Many of our political theorists look longingly on the British system of parliamentary government in which party discipline is so effective, in which dissidents are so thoroughly whipped into line, that a party which has a majority of only three or four seats can rule unchallenged for several years and win every vote, however controversial, by an identical margin. The British Member of Parliament is merely a tool of his party leaders and his function in the Parliament could be performed just as well by a lamppost which on each occasion lighted up to record the decision of the party leadership. What a fall there is here from the immortal principles of representative government and independent judgment set forth in the British Parliament by Edmund Burke 200 years ago. And this is the inevitable end result of the piecemeal surrender of independence that is implied in most proposals to modernize our representative system.

We are now witnessing the beginnings of the growth of party machinery which, if carried forward, raises a new danger to independence.

I have already discussed the growing emphasis being placed upon party platforms, which are completely foreign to the legislative process. In recent years there has evolved the so-called Democratic advisory council in which a body predominantly composed of private citizens, chosen by other private citizens, presumes to promulgate the policy of the Democratic Party.

The advisory council is broken into a number of committees based on subject matter and these committees rely heavily on the judgments of experts—scientists, economists, professors who, competent though they may be, are even further removed than the committee officials from any valid representative status. If these committees are considered merely as research bodies gathering data to lay before elected representatives, there is no objection to them. On the contrary, their help should be welcomed.

But since there is a presumption that the positions of the Democratic advisory council represent the positions that Democrats ought to hold, I regard this council as an ominous departure from past custom.

A third and more effective device of party discipline is the fundraising activities of the national committee and the congressional campaign committees of both parties. Up to now these activities have posed no real threat to the independence of legislators or of Presidents, because of the small amounts they were able to disperse and because of the character of the men in charge. But each year the fundraising activities of the national committee and the congressional campaign committees are prosecuted more effectively and successfully. I can, therefore, envision a time when these committees will be able to say to the candidates of their party, "We have $100,000 for you that will help you get elected if you are the right kind of man who will cooperate with the party leadership." This is one of the control devices of the British parties and it is extremely effective.

New Senators and Congressmen could thus be pledged to a certain program of action before they ever assumed office, and incumbents would face the unsettling prospect that any deviation from party orthodoxy

could result in the denial of campaign funds when they ran for reelection. This of course is only one aspect of the whole problem which fundraising poses for free government.

All fund raising, to a certain extent, save for the small contributions of scattered thousands, threatens the independence of the elected representative. Large contributions by labor organizations or by manufacturers' groups, under whatever guise, pose a danger. The only real answer to this problem is the answer proposed by Theodore Roosevelt more than 50 years ago that the Federal Government pay the cost of campaigns for all Federal elective offices. Even if we were to suppose that the total cost of campaigning for Federal office would amount to $50 million or $100 million every 2 years, this would be an insignificant portion of our total budget—less than one-tenth of 1 percent, and it would remove one of the gravest threats to the independence of elected representatives.

Another though less obvious menace to representative government is the frequently voiced distrust of political compromises. This attitude is ominous because it reveals a lack of understanding of the essential nature of the democratic process and it is dangerous because it tends to promote a doctrinaire rigidity which would divide our people into those hostile political camps which divide other countries.

I recall during the recent campaign, an "Open End" discussion on television, moderated by David Susskind and featuring a panel which included Steve Allen, Shelley Winters, Pamela Mason and other students of the political process. It was a rather melancholy performance. Susskind started the ball rolling by saying that he tried to provide his children with the proper atmosphere for their moral growth but that his attempts were being undermined by such spectacles as the convention rapprochement between Kennedy and Johnson or that between Nixon and Rockefeller. How can we expect our children to grow up with integrity and conviction, Susskind declaimed to the sympathetic panel, when they witness such cynical underhanded compromises by national leaders?

This is at least a refreshing twist. I have heard Senators accuse the movie industry of debauching the morals of children. But this is the first time I have ever heard movie stars accuse Senators of the same thing.

Let us get away from the personalities on the program, who are able and sincere people and most of whom are fellow Democrats, and take up this assumption that political compromises are cynical and underhanded. Take the point in question. LYNDON JOHNSON has been the Democratic leader of the Senate by unanimous choice for many years. He had delegate strength at Los Angeles which represented approximately 40 percent of the Democratic Party. For Senator Kennedy to ask him to accept the vice-presidential nomination was not only a natural thing and an act of political sagacity, it was also an act of statesmanship which recognized that doctrinaire rigidity cannot succeed in American politics and that it ought not to succeed. The same can be said of Vice President NIXON's handling of the Rockefeller incident. Each of these actions recognized the fact that our political parties, like the nation they represent, are made up of diverse interests and that the happiness and welfare of our people can best be advanced through a government which, if not completely satisfactory to almost anyone, is tolerable for almost everyone.

Underlying this downgrading of compromise is the tacit assumption that the elected representative ought to be bound by a doctrinaire ideology rather than free to accept or reject or deviate from that ideology with each new decision. Those who decry political compromise, whether at a national convention or during a legislative battle, unwittingly give voice to that ugly sentiment upon which all totalitarian systems are built; and that is that there is in politics a rigid, undeviating orthodoxy of truth and all philosophies and individuals that differ ought to be steamrollered, anathematized and excluded.

After each election we are apt to hear the doleful cry that "political parties do not mean anything any more," that they do not offer the voter a clear choice between opposed doctrines. The extreme liberals in the Democratic Party and their conservative counterparts in the Republican Party are fond of issuing manifestos calling for a repudiation of the moderate elements of each party and thus presenting the voters with a clear choice between diametrically opposed sets of candidates.

This sort of complaint, which is fairly common, is based on the assumption that there ought to be a fundamental conflict between the two parties, a down-the-line division. It implies that every Democrat ought to stand for one set of distinct policies and every Republican for an opposed set. I hope that most of those who make this criticism of our party system do not grasp the real implications of what they are saying.

We live in a country which has an essentially sound system of government, a basically just social system, a growing and prosperous economy, a happy relationship between church and state, a satisfactory arrangement between workers and employers, and the absence of bitter conflict between the so-called classes.

Why then should there be a doctrinaire division, a fundamental conflict between the two parties? Why should people resent the fact that our parties offer similar solutions to most problems? Why should there be a call for disagreement merely for the sake of disagreement?

It is the doctrinaire ideologues at the extreme of each party who most vociferously deplore the similarity of the parties and the lack of venom and hostility which characterizes the conduct of most elected officials. I say that the similarity of our parties is evidence of the success of our system and not an indication of weakness. And I would hope that people would think twice before they commit themselves to a theory of irreconcilable party combat which is the hallmark of a system that is failing.

It was my good fortune during the recent campaign to travel through Connecticut for the better part of 2 days in the same car with Senator Kennedy. I have vivid recollections of those days, recollections of tens of thousands of people densely packed along narrow streets while an unprotected man, standing in an open car, rode among them, a man whose future decisions could be crucial matters for all who watched him. As I saw the smiling, friendly faces of thousands of Americans, I reflected upon the bitter, hate-filled, rioting crowds that we are so used to seeing in newsreels from abroad, where politics is often regarded as mortal combat. The only danger posed to the safety of Senator Kennedy was the danger that he might be bruised by a demonstration of affection. Scattered throughout the crowd one would see affable Republicans holding pro-NIXON or anti-Kennedy banners and of course these dissenters were in no way molested, or taunted by the majority. If there was a rare outbreak of hooliganism during the campaign, if one or another of the candidates got the egg or tomato treatment, it was an exception deplored by virtually everyone. When I thought of the courteous, friendly receptions being repeated in every State in the land as Senator Kennedy and Vice President NIXON campaigned, I could not help but think what a tribute this was to the success of our representative system of government. There are few places in the world where opposed candidates for Chief of State can go among the people unprotected at the height of a critical campaign without fear of riot or assassination. This essential stability, this public satisfaction with our institutions was brought home even more forcibly by the aftermath of the election.

Here was a contest of earth-shattering importance decided by one-tenth of 1 per cent of the popular vote, by a majority of less than 200,000 out of almost 70 million. In any other great nation in the world, such an election would result in some degree of chaos. In some nations it would result in civil war as the losing side refused to accept the judgment. In most of the parliamentary nations the victor would find it impossible to form a government. In still other nations the losing party would dedicate itself to frustrating and hobbling the victor until his government was brought down, with no regard for the welfare of the country.

But the American people immediately accepted the decision as though it had been a decision based upon a majority of 10 million. No one need fear a remorseless party combat in Congress aimed solely at discrediting the new President and frustrating his administration. As soon as Vice President NIXON could be sure that he had in fact been defeated by the narrowest of margins, he issued a statement that he had run the contest under the rules, that he accepted the rules, that he accepted the decision of the people and that he wished every success for his victorious opponent. This is the happy consequence of a system which places its trust in free men with limited powers, rather than in party dogmas which brook no compromise and resist all restrictions.

On the last day of the recent Congress, in almost the last hour, the Republican leader of the Senate, EVERETT DIRKSEN, rose to make his farewell remarks to a packed Senate at about 4 o'clock in the morning. As he concluded, he turned to his colleagues on the Democratic side of the aisle and said: "in due course I shall go back to the hustings, and in the nature of things I shall have to recite all of the sins of those on the other side of the aisle. I shall recite the sins of omission and the sins of commission. * * * But I wish to say to the majority leader and all Senators that whatever our utterances may be, they shall not be tainted with malice. * * * Other people would think that we were so beset with selfishness and venality and political aggression that we would be ready to tear each other to shreds. But we live together. We disagree together. And somehow or other the Republic goes forward.

"* * * So, au revoir. We shall see you on the home diamond somewhere; and when it is all over, on the morning of November 9, all the healing waters will somehow close over our dissidence, and we shall go forward as a solid phalanx once more."

This is the American system which we have evolved and in which each of us can take pride. Why then should we change it, or modernize it or dogmatize it? Let us rather rejoice in it and cherish it.

If we could speak across the centuries to Benjamin Franklin tonight, we could fairly say that we have kept our Republic. It is my hope that there will never be a time when the people of this country cannot say as much.

[From the New York Times, Nov. 22, 1960]

IN THE NATION—SOME CANDID TRUTHS ABOUT NATIONAL PARTY PLATFORMS

(By Arthur Krock)

WASHINGTON, November 21.—Senator DODD of Connecticut interrupted the current self-seeking chatter that national party platforms are a set of specific commands on all

those elected to office in Washington, by telling some truths about these documents. And he made the interesting suggestion that henceforth national platforms shall be accepted by the candidates and understood by the party and people as merely advisory.

In the course of his speech to the New England Society in New York tonight the Senator fortified this suggestion with a blunt account of the circumstances in which platforms are composed and approved that demonstrates the sham of the contention that they are binding, word for word. He accurately described these products as "written by persons never elected specifically to perform the task." For "Four or five days," he said, "committee members sit wearily listening. With a large number often absent * * * [while] a small group of experts in the backroom, consisting mainly of staff members, who are not even delegates, writes the party platform. * * * And under the latest innovation, the platform is not even read to the delegates before they pass on it.

"A presidential candidate * * * and each candidate for Congress ought to announce his own platform, describing his general approach, as of the moment, to basic issues. Any attempt of a party convention to dictate to a President or a Congress concerning constitutional responsibilities cannot be countenanced."

But, though the Senator drew an accurate picture of national platform procedures, he omitted one of major importance at Los Angeles and Chicago in 1960. In each case individuals or special-interest blocs whose support the leading presidential candidate believed to be essential to his nomination and/or election insisted on inserting their programs into the platforms as party pledges. At Los Angeles this insistence by the spokesmen for union labor, for Federal enforcement of the most extreme equal rights proposals and for greatly enlarged Federal spending programs was almost completely successful. And Vice President NIXON's visit to Governor Rockefeller prior to the Chicago convention was for the purpose, which it accomplished by agreed drafts of major platform planks, of assuring the Governor's active support of the Republican ticket.

THE LARGE FACTOR OF RISK

Once presidential and congressional candidates have been chosen, they would certainly be free, as Senator DODD suggested, to "announce their own platforms." But in the situations in which Senator Kennedy and Vice President NIXON found themselves, the risk they would have assumed in following his suggestion is apparent. The platforms precede the nominations, and Senator Kennedy at that stage of his convention was not absolutely certain of being chosen on an early ballot, after which his strength was sure to diminish. And if Vice President NIXON had not come to platform terms with Governor Rockefeller, he would have been confronted with the prospect of a divisive fight in the convention that would have carried into the campaign.

Except, however, for this lapse from political realism, Senator DODD put these manifestos in their proper proportion. This was a service to the President-elect, the Vice President-elect and many Democratic Members of Congress who are being admonished by various pressure groups that they are under a popular "mandate" to follow without deviation both the generalities and the specifics in the platform. The Connecticut Senator demolished this as follows:

"The worst betrayal of trust that any President or Congress could commit would be to accept whole-hog the convention platform of the victorious party, and to subordinate the 4-year deliberative process of the President and Congress to the 4-day drafting process of nonelected members of a party platform committee.

"But perhaps the worst aspect of the political sham is that Presidential candidates nearly always feel it necessary to commit themselves to these effusions. They usually try to protect their mental reservations and their group vote investments at the same time by making their commitments in general terms. But the end result is that public estimate of political morality drops a few more degrees."

[From the Hartford Times, Nov. 23, 1960]

SENATOR DODD, THE LONER

In his speech to the New England Society, Senator THOMAS J. DODD seems to be paving his way for a bolt from the Democratic Party platform. He falls short of complete disavowal, yet with enough hint of disaffection to stir new uncertainty concerning his intended political affiliation in the coming session of Congress.

When the Senator says that he "agrees with a good deal that is in the Democratic platform" and "will support many of its principles" the measure of his words leaves strong indication that he does not endorse the greater part of either platform or principles.

To a considerable extent the Senator's speech is an argument against the necessity for party responsibility, and it leaves up in the air as well the matter of political predictability when applied to candidates who seek election in party guise.

In trying to fight clear of binding platform pledges the Senator holds that "they have no legitimate status under our Constitution. So long as they are not taken seriously they are a source of cynicism about the integrity of our political system * * * so soon as they are taken seriously they will start to undermine our representative form of government."

It is the Senator's view that platforms adopted by conventions should never be considered more than advisory.

This churns a wide wake of considerations.

Inherent in the Senator's position is the belief that the electorate so well knows the personality and ability of each candidate that it may turn him loose, except for the check of the next election, to shape personal policy in large part as occasions arise. In the case of new candidates particularly, we doubt that voters would feel they want to convey that much freedom.

It is rather difficult to support a party system of responsibility in government, at the same time to support the flouting of party policy by its members who then may act capriciously, but always can solemnly advert to some matter of personal principle as the basis for their action.

We take issue with the Senator on much of his legislative philosophy.

Frankly, we do not trust the unlimited inclinations of Members of Congress any more than he seems to trust the supremacy of the popular voice in democratic government. The Senator would go far toward the setting up of a legislative elite that would arrogate to itself a right to know, better than the people, what is best for the Nation. Surely that is as undesirable as a legislative branch which—as the Senator appears to fear—might have its integrity compromised by the lash of partisan political bosses.

One need not plead for slavish organizational regularity, but yet be aware of a political requirement for organized unity of purpose and some sense of unity in program.

Senator DODD asks for the abolition of party platforms except for a general statement of goals and attitudes.

The Senator himself has done well that way, more or less at war with the Connecticut Democratic organization. Yet, it must be pointed out that there are also thousands of voters here who will not support him on his personalized, generalized basis.

They do not go for freewheeling candidates but, rather, insist on being represented, joining in a platform as instruction to those who would carry out the public will.

Apparently somewhat at odds with the Senator, we believe that this is representative democracy. The people delegate their vote; they do not abdicate their power.

One may be certain that the people have sense enough to recognize the force of changing practical situations and the possibility of altered occasions. They accept the need for an element of adaptability in political platforms without yielding to cynicism. The people also are able to recognize when a real doublecross occurs and when their political faith is made light of. The Senator worries too much about the onset of cynicism.

When Senator DODD fears that, carried to an extreme, the dictates of platform or policy might unduly hobble the individual legislator, we are with him.

But led to the other extreme of what might be called high-principled irresponsibility, we could spawn legislators standing not much of anywhere for not much of anything.

[From the Hartford Times, Dec. 9, 1960]

LETTERS FROM THE PEOPLE—DODD'S VIEWS ON PARTY PLATFORMS

To the EDITOR OF THE TIMES:

I would like to reply to a recent Times editorial which I received while in Europe, expressing basic disagreement with my views on the role of an elected representative.

My position is this: A U.S. Senator should not be the controlled tool of a partisan political platform. He is the representative of all the people of his State, Democrats, Republicans, and Independents. He must work for their welfare and for the welfare of the Nation. He can best do this by studying each issue carefully and honestly, by seeking the advice of his constituents and of the experts, by considering his party platform and the position of his party leaders, by following committee hearings and Senate debate, and then by making an independent decision on the basis of his own judgment and conscience.

The Times disputes this view. You say that party platforms are binding, that a Senator should not exercise independent judgment on each issue, that he should be controlled by the actions of political conventions. You say that the popular will is represented by the platform and that its "instructions" must be carried out if the public will is to be served.

But is the victorious party platform a real expression of the public call? Do you contend that when the people of Connecticut voted for Senator Kennedy they also expressed a clear preference for each of the 400 points in the Democratic platform? Must I vote, for instance, for higher subsidies for wheat and corn when I know this is bad for Connecticut farmers and consumers, and when I feel it is bad for the Nation? I think not.

Party platforms are written once every 4 years by party functionaries who are not elected by the people for that task. These platforms are ratified by a voice vote of convention delegates who do not have time even to read them, let alone understand and deliberate upon them.

Not one voter in a hundred reads the platform of either party. On election day the people vote not for platforms but for men, on the basis of what they seem to be, what they have done and what they say they will do.

Therefore, party platforms cannot represent the precise instructions of the people. You cannot explain the fact that in 1956 the people elected a Republican President and a Democratic Congress, or that many States continue to elect and reelect one Senator from each party, unless you concede that people vote on the basis of many factors, and that party platforms rank low on the scale.

You say that I distrust the supremacy of the popular voice. I reply that I fully trust the popular voice, but that the popular voice is better interpreted by elected living representatives than by dead platforms.

You prefer what you call "party responsibility" to the independent judgment of unbossed representatives. I reply that the only true party responsibility is that which comes from men of commonly shared principles voluntarily cooperating to carry them out. If this cooperation is forced, you have party dictatorship, not party responsibility.

You say that I would "turn loose" the legislator from public control to govern on the basis of his "unlimited inclinations." I reply that the legislator is limited by the Constitution, by party primaries, and by general elections. If the people of his party or of his State disapprove of him they will replace him. Any control beyond this, such as dictation by political conventions, is unconstitutional and would undermine the very basis of our form of government.

You imply that my political affiliation is now uncertain. I reply that I am a Democrat today and will be tomorrow for the same reasons that have guided me for 30 years. I will support most of the programs in the Democratic platform, as I have supported them in the past, not because I have to but because I want to, not because of dictation but because of conviction.

You say "the people delegate their vote; they do not abdicate their power." I agree. It is not the source of power, but its exercise that is at issue. You recommend that the President and Congress abdicate their exercise of the people's power by surrendering their judgment on basic issues to party platforms and political conventions. I recommend adherence to our Constitution which invests the exercise of power in lawful elected representatives of the people.

You hedge, in the end, by saying that the dictates of platforms or party policy should not be "carried to an extreme" and that you are not for "slavish, organizational regularity." I reply that this undermines your previous contention that platforms are binding, which I thought was the basis of our disagreement. You cannot have it both ways. A platform is binding or it is not. If you admit that a platform is not binding and that a Senator may accept or reject the various parts of it, then we agree after all, and I am puzzled by your editorial criticism.

You say that I am a "loner" and that thousands of voters will not support me. I reply that this is for the people to decide. I continue to hope and believe that the people of Connecticut prefer elected representatives who try to rise above narrow partisanship and who make their decisions on the basis of independent judgment and personal conscience rather than blind obedience to party control.

Senator DODD has amplified his views in an interesting manner. As our editorial fully explained, we believe in the party system and that the people are entitled to statements of party programs, called platforms, and to predictability concerning the candidates who use party as an adjunct of their campaigns.

We do not think that legislative freewheeling is necessarily lofty. It can be an excuse for irresponsibility, or an excuse for personal caprice.

We hold that the process of party platform drafting should be improved; we even said so just before, instead of just after, the election.

As we recall the Democratic Convention in Los Angeles, Senator DODD did not disdain the importance of platforms then as much as he seems to now. He created quite a stir from the floor, insisting on the inclusion of a matter in the platform in which he had—we believe rightly—a personal and principled interest.—Editor.

[From the New Haven Register, Nov. 23, 1960]

PARTY PLATORM PURGE PROPOSAL

If political party platforms are to remain as they are—a phony array of something-for-everyone phrases—then, we say, Connecticut's Senator TOM DODD is right.

And, we say, away with them.

But, do party platforms need to be cynical, meaningless, something to lure the unwary voter and then tossed into a post-election discard?

Need they be abolished?

We think not.

We agree with the militant Senator DODD when he says they have no status under the Constitution.

We go along with him when he says that, for so long as those who draft them do not intend them to be taken seriously, platforms compromise the integrity of our political system.

But we do not agree that, of necessity, a party platform can undermine our representative form of government.

Give a political platform sincerity, meaning, and reality and it should be a constructive, not destructive, thing.

Senator DODD would substitute for the party platform a sort of personalized platform. He would have, for example, a presidential candidate platform, a senatorial candidate platform, a representative's platform, and so on, right down the line. But this, too, could emerge as a mish-mash—one beyond understanding and leaving the voter puzzled beyond repair.

In our opinion there was too much emphasis on charm, personality, and the individual in the past election.

There was, we feel, too vast an area of voter opinion that the parties, and that goes for both, did not really stand for anything that was definite—and worthy.

Without platforms—and genuine ones—we fear they never will have a measurable purpose of their own.

We agree that party platforms, as concocted through such prenomination maneuvering as the Nixon-Rockefeller get-together or the even more flagrant bargaining that the Democrats conducted with a variety of pressure groups, are catchalls for special interest manipulation. But we feel that the fault is with the platform-making procedure in such cases—not with the platform itself.

Senator DODD may be wholly realistic when he claims that no candidate can be expected to live up to platform pledges under today's conditions. But unless the parties are willing to accept some coherent and comprehensive statement of purpose the voter is reduced, still further, to picking men on the basis of their good looks, their effective delivery on TV, or by some other superficial gage.

There's still a place for the political platform in every party, and in every election. The problem is to get the voters, as well as the candidates, to study such platforms.

[From the Washington Star, Nov. 24, 1960]

WHY NOT SCRAP THEM?

Resolutions for better conduct are often made in the cold, gray dawn of the morning after the night before. Something of the same sentiment may be detected in the spate of suggested electoral reforms that follows the end of a political campaign. Some of the suggestions have merit. It is too bad that, 4 years hence, most of them will have been forgotten.

Senator DODD of Connecticut has addressed himself very ably to one of the most exaggerated forms of political hokum—the convention platforms. He thinks they should be abolished, in favor of a general statement of party goals and attitudes. Television may help to achieve that desirable end. It is inconceivable that the American electorate will continue indefinitely to submit itself to watching and attempting to swallow the concentrate of hyperbole in party platforms.

Senator DODD's main point, however, is that "The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and Congress to the 4-day drafting process of nonelected members of a party platform committee."

There is not much likelihood that such betrayal of trust will occur, or that it will be attempted. The greater danger, in our opinion, lies in the effort by candidates to create the impression during a campaign that a platform commits them to its promises. This is a form of deception rationalized by political folklore as being justified because it is supposed to help win an election. It is a deception, nevertheless, which breeds cynicism and distrust. Senator DODD is to be commended for saying that he is not committed to any part of the Democratic platform merely because the convention adopted it. We hope he wins converts among his colleagues to his theory that a convention platform commits no elected official, for it would be wrong and bad for the country if elected officials relied on platform planks rather than their own sense of responsibility to determine their course of action.

[From the West Hartford News, Nov. 24, 1960]

SENATOR DODD ON PARTY PLATFORMS

There is a good deal of common sense behind what West Hartford's Senator THOMAS DODD has to say this week about the national party platforms. He thinks we could skip them, substituting a platform written by the candidates themselves—a sort of personal avowal of purpose.

When life, and politics, was simpler; when party identification was clearer; when communication was slower—then the platform had more relevance and meaning. But gradually, as Senator DODD says, the platform became an exercise in semantics by elements in the party whose talents ran to historical documents. Between the piety of the platforms and the performance of the party in power is a gap so great you could drive a third party through it.

The undercurrent of the Senator's remarks is the intraparty cleavage which so vastly separates men like Mr. DODD and Mr. Bowles, men like Senator DOUGLAS and Senator JOHNSON. But while there may be a personal political basis for Mr. DODD's stern notice that he doesn't feel bound by the liberal Democratic platform, he is merely being frank about what the past says the future of the Congress will be. Nobody pays any attention to the platform. Never will that be more true than in the next session.

By the time a man has emerged sufficiently on the scene to be considered seriously for the nomination for the Presidency, he has long since built a platform upon revelations and deeds. The fact is, however, that if these were to be codified and published as his campaign aims, he never could be nominated. There is such a liberal-conservative split in both parties that the only way a man can get the nomination is to straddle. Some more than others, but straddle, they all do.

Upon nomination, however, it should be possible for a candidate to develop his particular catechism. It could contain the irreducible minimum of his legislative hopes and a maximum of the operating principles which will guide him.

The platform which commits the whole party to a course of action kids nobody. At heart politicians are mavericks. But the candidates' statements of principles would be an effective replacement for the outmoded platform technique.

[From the Philadelphia Evening Bulletin, Nov. 25, 1960]

PARTY PLATFORM PLEDGES—SENATOR DODD WOULD ABOLISH THEM

(By Jay G. Hayden)

WASHINGTON.—By vowing that he will, in his Senate voting, pay no attention to the Democratic national platform, Senator THOMAS J. DODD, of Connecticut, supplied a clear note of reality concerning the approaching session of Congress.

Said Senator DODD:

"The concept that a convention platform is binding upon elected representatives in the Congress is absolutely inimical to our system of government. Theirs, and theirs alone, is the final responsibility for legislation."

Declaring that party platforms ought to be abolished "except for the general statement of goals and attitudes," Senator DODD continued:

"The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and the Congress to the 4-day drafting process of nonelected members of a party platform committee."

Those declarations not only reflect unalloyed commonsense, but accord with all past American history. Hardly anybody can remember an instance when a party declaration, in national convention, has materially guided any outcome, national or international.

Rather, shaping of policies actually has rested almost completely between occupants of the White House and the Congresses of their times.

Most recent demonstration of this truth in the U.S. was in the Congress of the last 2 years where a self-named Democratic committee on party policy, led by Paul M. Butler, the national chairman, won scarcely a smell of support among the huge Democratic congressional majority.

And even more significant was the lead up to repeal of national prohibition in the presidential campaign of 1932.

That year, platforms of both the Democratic and Republican Parties, as drafted originally, declared foursquare for continuance in force of the 18th amendment to the U.S. Constitution, which for 13 years had prohibited manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States.

REPEAL VOTES

At nomination time in 1932, President Hoover led for his party in sustaining that provision, and so did Franklin D. Roosevelt, the Democratic presidential nominee, whose main opponent had been Alfred E. Smith, overwhelmingly defeated at the polls 4 years earlier largely because of his wet stand.

The Democratic Convention in 1932, however, spurned Mr. Roosevelt's advice by voting for outright repeal. And the lameduck Congress, elected in 1930, voted to repeal the 18th amendment, 63 to 23 in the Senate, February 16, and 289 to 121 in the House, February 20, 1933.

By the time Roosevelt took office March 4, there was nothing left for him to do in that matter, and on December 5, 1933, the repealer became effective by ratification of legislatures in 36 of the 48 States.

SCORES DICTATION

Listen further to Senator DODD:

"A presidential candidate," he said, "ought to announce his own platform, describing his general approach, as of the moment, to basic issues. I think each candidate for Congress or the Senate ought to do the same. But any attempt of a party convention to dictate to a President or a Congress concerning constitutional responsibilities cannot be countenanced."

A case in point just now has been provided in Great Britain.

Following a devastating defeat at the polls, a national conference of the Labor Party adopted narrowly a demand that Great Britain go it alone in national defense, especially excluding basing of U.S. atomic weapons on British soil.

This move not only was in defiance of the party leader, Hugh Gaitskell, but subsequently the minority of popularly elected Laborites sitting in the British Parliament voted 166 to 81 to retain Gaitskell as party leader.

Gaitskell had said before that vote that the test was not himself as a personality but the policies he stood for.

[From the Bridgeport Post, Nov. 25, 1960]

WHAT PRICE PLATFORMS?

A dim view of modern-day party platforms is taken by Senator DODD, of Connecticut. His concern is based on the increasing tendency to take them seriously, considering the haphazard manner in which they are drafted.

There is much to be said for the Senator's point of view in this matter. As he says, the day has ended when party platforms were "ambiguous and friendly documents which tried to please everyone, excited little interest in the land, and passed from the scene quietly and unmourned after each convention."

During the last convention, much weight was placed on the platforms which figured, particularly in the case of the Republicans, in the eventual choice of a candidate. Vice President NIXON had to deal with rivals in connection with platform stands.

Senator DODD understandably is disturbed by the fact that nonelected members of a party platform committee come up with a program foisted on a President. It is entirely possible that under the stress and strain of trying to gain the nomination, a President-to-be commits himself to policies which he does not actually believe in. To go back on them later is a betrayal of trust to the party; to stick with them betrays the voter.

In all honesty, what possibility is there that a candidate actually agrees entirely with the detailed, sweeping views of the party platform? Not much. Senator DODD believes a candidate ought to announce his own platform and basic approach to issues.

[From the Chicago Tribune, Nov. 27, 1960]

SAWDUST PLATFORMS

Senator THOMAS J. DODD of Connecticut, has provided his party's President-elect with a convenient excuse for disregarding most of the spread-eagle pledges of the Democratic platform. Senator DODD spoke in seeming candor to the New England society in New York when he said that platforms were only dangerous when people begin to take them seriously as a binding set of promises to be redeemed.

"The worst betrayal of trust that any President or Congress could commit," said the Democratic Senator, "would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and the Congress to the 4-day drafting process of nonelected members of a party platform committee."

For, said Senator DODD, while the members of the platform committee sit out in front listening to pleas about what should be put in the platform, a small group of experts in the back room, consisting mainly of staff members who are not even convention delegates, is actually writing the platform. The platform committee, half asleep, adopts this document without serious deliberation, and it is whooped through the convention without being read.

"I would never entertain the suggestion," said Senator DODD, "that I or any other Senator was obligated to support any section of it merely because it was adopted by our party convention. The concept that a convention platform is binding upon elected representatives in the Congress is absolutely inimical to our system of government. Theirs, and theirs alone, is the final responsibility for legislating.

"I believe that party platforms, except for a general statement of goals and attitudes, ought to be done away with. They are anomalies that have no legitimate status under our Constitution. So long as they are not taken seriously, they are a source of cynicism about the integrity of our political process. And so soon as they are taken seriously, they will start to undermine our republican form of government."

Thus, said the Senator, the talk of a mandate to carry out some specific, far-reaching program of action is nonsense. If, as defined, a mandate is an authoritative command, it implies that the discretion of the elected representatives has been superseded by the will of the people, supposedly registered in the election. It presupposes that the candidates of a party are uniformly bound to a set of proposals outlined in a party platform, that the party platforms offer a distinct choice to the people, that the people carefully study the opposed platforms, and that on election day they vote for the platform rather than for the man.

This analysis is, to a degree, true, except that the platform of Mr. DODD's party was carefully contrived as vote bait, containing promises of all sorts and of a sweeping order to every possible group of voters who could be gulled by the vision of pie in the sky.

But the platform as it emerged from Los Angeles is also a severe handicap to Senator John F. Kennedy. It is the most radical ever offered by any major party. Of its nature, much of the platform can never be delivered, not only because of the divisions within the Democratic Party, but because conservatives of both parties in Congress cannot be induced to honor pledges which would invite inflation and national insolvency.

Mr. Kennedy's muddy mandate is another factor. He is headed for the White House on a mere handful of votes. Half of the people want neither him nor what he offers. Senator DODD has presented an escape hatch from the embarrassment of trying to make good. If Mr. Kennedy is a prudent man, he will avail himself of the opportunity to start backpedaling from the New Frontier.

[From the Bridgeport Post, Nov. 27, 1960]

WASHINGTON CLOSEUP

(By Carey Cronan)

Senator THOMAS J. DODD, who called recently for the resignation or forced ouster of the U.S. attorney and U.S. marshal and the collector of the port of Bridgeport, looks forward to a sort of political honeymoon in the early weeks of the coming congressional session.

Senator DODD believes that Democrats from both sides of the Mason-Dixon line will work together to enact the Kennedy legislative program and he scoffs at any effective alliance between Republicans and southern conservatives already predicted by Representative CHARLES A. HALLECK, GOP House leader.

With a Democrat in the White House, the Senator feels that the threat of the veto will be gone and he believes that one of the first major bills will provide for medical care for the aged tied in with the social security system. He looks forward to what he calls "good legislation" dealing with defense, aid to education, tax revision and also a new minimum wage law in line with the campaign waged by President-elect John F. Kennedy.

The Senator forecasts a parallel with the early days of the Roosevelt New Deal when the famed "hundred days" changed the legislative face of the Nation and turned the Government to many Democratic reforms.

PLATFORMS NOT COMMITMENTS

A few nights ago in New York, addressing the New England Society at the Plaza Hotel, Senator DODD declared that the platforms adopted by political conventions should not be binding upon successful candidates.

He pointed out in speaking of platforms that "they have no legitimate status under our Constitution. So long as they are not taken seriously they are a source of cynicism about the integrity of our political system and as soon as they are taken seriously they will start to undermine our representative form of government. A presidential candidate ought to announce his own platform, describing his general approach, as of the moment, to basic issues. I think each candidate for Congress or the Senate ought to do the same. But any attempt by a party convention to dictate to a President or to Congress concerning constitutional responsibilities cannot be countenanced."

BOTH GROUPS ERRED

The Senator said that "Conservatives have traditionally erred when they have resisted attempts to make the system truly representative. Liberals have erred when they have, in the name of the people, sought to impair the independence of elected representatives. The conservatives were wrong when they resisted such measures as the extension of the voting franchise, the direct election of Senators, and the State primary system, measures intended to make our system truly representative by abolishing the frauds and manipulations which resulted in minority rule."

Senator DODD added that "the liberals were wrong when they promoted such schemes as the initiative, the referendum and the recall, which substituted plebiscites for the action of legislatures and which sought to intimidate elected officials with the threat of dismissal for opposing the popular sentiment at any given moment. And I think the liberal innovators are wrong today when they try to whittle away the deliberative process, when they attack the committee system of the Congress, when they condemn its rules as antiquated, when they talk speciously of mandates, when they propose binding party platforms, and binding party caucuses that are to take primacy over the independent judgement of the elected official."

PERSONALITY WINS

Discussing campaigns, the Senator maintained that "a politician instinctively knows that it is the public estimate of his personal qualities rather than his political dogma that will win or lose the election . . . He will never really know the answers. All he can know for certain is that he has been lawfully chosen by the people to act as their representative for 6 years and at the end of those 6 years he will have to submit himself to them once more. How foolish then, how pompous, for him to alight in Washington 2 months later, claiming that he has a mandate to carry out this or that program. As he casts hundreds of votes, his philosophy becomes clearer to those few who care to study it. The man who is always in the midst of heated controversy may leave an impression of either courage or rashness but he is unlikely to leave a clear understanding of his total philosophy."

CONFORMITY NOT PRIMARY

"If pitching is 75 percent of a baseball game, as Connie Mack once said, party conformity is only 25 percent of the political game," declared the Senator, "political affiliation gives him a certain insight, a certain approach to the hundreds of issues of the time but it does not give him the concrete practical answers. Those he must seek out for himself based on individual examination. Party ideology and private self-interest hold no magic answers. Therefore, in conscience, in theory and in practical fact, the elected representative can assume his duties free from any commitments except those which he has freely made himself. The people have the right to hire and fire but they do not have the right to give on-the-job direction. They should let their man know what they think and why, but they should not try to intimidate him and he should not submit to intimidation. This is the essence of the representative system. I think the American people prefer it this way. It is only the extremists, the vested interests, the doctrinaires, the organizers of blocs who would undermine representative government and make their elected representatives so many rubber stamps."

Speaking of party platforms, the Senator said, "The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and the Congress to the 4-day drafting process of nonelected members of a party platform committee."

[From the Evening Record and Courier-Tribune, Nov. 28, 1960]

PLATFORM NO STRAITJACKET

"The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of a victorious party and to subordinate the 4-year deliberative process of the President and the Congress to the 4-day drafting process of nonelected members of a party platform committee."

Many elected officials may believe this, but few would say it so outspokenly, as did Senator THOMAS J. DODD, Connecticut Democrat, at a dinner meeting of the New England society in New York recently.

DODD would abolish party platforms except for a statement of goals and attitudes. He would have the presidential candidate announce his own platform, describing his general approach to basic issues; and each candidate for Congress or the Senate do the same. He would not countenance any attempt of a party convention to dictate to a President or a Congress concerning their Constitutional responsibilities.

Of course, DODD is right. Under our system, we elect a President and a Congress to govern, not a party. Ours is not the parliamentary system of Europe, where the elected members of parliament choose their party leader to head up both the legislative and executive branches in the person of the Premier, the Prime Minister or the Chancellor. Parties were not even thought of when our Constitution was adopted, and they are not mentioned once in that basic document.

The electorate pick a man to make legislative decisions on the basis of his character and his specialized knowledge, just as you pick a lawyer or a doctor to make your legal or medical decisions on the same basis, DODD maintains. You aim at a general result, if the result is good, you keep him on; if it is bad, you will drop him.

In these days of instantaneous communication, the man has become as DODD says, the main consideration, not the party platform. It should make for independent thinking and personal responsibility in government, which is all to the good.

[From the Pittsburgh Courier, Dec. 10, 1960]

THE GREAT PLATFORM FRAUD

We are all indebted to Senator DODD, of Connecticut, for reminding us in a speech in New York last week that national party platforms are quite meaningless so far as any binding commitments on elected officials are concerned.

These platforms, he insisted, are a sham and a fraud callously designed to "sell" candidates to the electorate. Said he:

"The worst betrayal of trust that any President or Congress could commit would be to accept whole hog the convention platform of the victorious party, and to subordinate the 4-year deliberative process of the President and Congress to the 4-day drafting process of nonelected members of a party platform committee."

We have frequently pointed out that platform promises about civil rights, fair play, nondiscrimination, voting equality, and all the rest of it, have no practical value and are, in truth, worthless save for propaganda purposes; and the bickering over which platform is the best reveals depressing naivete.

And yet, we presume, when the inevitable disillusionment sets in, those interests who appeared before the platform committees and pleaded for sundry strong planks to be included will be demanding that these empty promises be carried out.

DEPRESSED AREAS

Mr. COOPER. Mr. President, I joined in cosponsoring a depressed areas bill introduced by the distinguished senior Senator from Illinois [Mr. DOUGLAS]. This is consistent with the position that I have taken for several years, ever since 1954, when there was a moderate recession. I then urged assistance for depressed areas. In 1957 or 1958 I joined in a bill which was introduced at that time in support of such legislation. In 1959 the senior Senator from Illinois [Mr. DOUGLAS] asked me to be one of five chief cosponsors of the depressed areas bill, which I supported, and I supported it with all my strength and heart, to the extent of voting to override the President's veto.

Recently the senior Senator from Illinois was kind enough to ask me, as he said, to be the principal Republican cosponsor of the bill. I am glad to be such cosponsor. I know that other bills will be introduced. I have had the opportunity to study those bills, including a bill which was introduced on behalf of the administration known as the Scott bill. I studied the three bills. From my own knowledge of the situation in the depressed areas in my own State, which I am sure reflects conditions in other States, I believe this bill is most adequate and will be most effective. I will speak upon it later. I am happy to join in this introduction. I hope it will soon come before the Senate, that it will be passed by both the Senate and the House, and become law.

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

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

EXPORT PRICE COMPETITION

Mr. JAVITS. Mr. President, it is highly desirable to have a truly flexible trade

policy which will not be linked to impossibly high trade barriers that could lock out the exports of nations which currently import increasing amounts of U.S. goods. The strength of our export position is frequently misunderstood because of confusion with other factors affecting our international balance of payments. The New York trade publication Purchasing Week seeks to set the export picture straight in an analysis published in its issue of October 31, which points out that the greatest threat to our foreign markets comes from productivity gains by foreign producers and not, as commonly supposed, from wages paid American workers; and from failure to meet competitive credit terms.

I ask unanimous consent that this study, entitled "Export Pace Shows U.S. Prices Aren't Prohibitive," be printed in the RECORD.

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

EXPORT PACE SHOWS U.S. PRICES AREN'T PROHIBITIVE

NEW YORK.—A new look at United States versus foreign costs, prices and exports debunks the common belief that we are pricing ourselves out of world markets. Recent trends add up to this brighter picture:

Exports: U.S. shipments overseas have increased faster than imports over the past year.

Wages: U.S. wages have had a lower percentage increase than most other industrial countries over the past decade.

Prices: U.S. prices have risen higher than those of other industrial nations. But that's because foreign productivity shot up faster than ours did in the postwar years, starting as it did from a smaller base. However, it now shows signs of abating.

EXPORT PATTERN

The current U.S. export picture is perhaps the most direct proof that American producers are not losing out to foreign competition.

So far this year, for example, overseas shipments are running a whopping 22 percent ahead of 1959. Imports, on the other hand, show only a fractional 1 percent rise.

On the import side, the fact that purchases have not risen is further proof that U.S. producers are holding their own in the worldwide competitive battle.

Even in the relatively poor export years of 1958 and 1959, there was little to indicate serious decline in our competitive position. True, exports declined in these 2 years from previous peaks, but there were good reasons for this.

The record of previous years (1956 and 1957) was distorted by transient political factors. Thus, abnormally high cotton shipments in these earlier years were almost entirely due to an administrative decision to revise export prices.

WHEAT AND SUEZ

Also, the tremendous amount of wheat shipped out in these earlier years reflected American decision to help alleviate famine among millions of Asians. And, finally, the Suez crisis helped swell U.S. shipments of petroleum to oil-starved Europe.

A look at the composition of export over the past few years should be the clincher for skeptics who still believe that our foreign markets are crumbling.

If this belief were true, we should expect to see sharp declines in finished goods relative to other exports. This is because finished goods are highly competitive, and many other countries are ready and willing to take over American markets.

What actually happened? In 1958, finished goods accounted for 61.6 percent of exports. That was substantially higher than in the boom export years of 1956 and 1957 when 58.3 percent and 57.2 percent of our exports were in this high competitive category.

FABRICATED GOODS UP

For many fabricated lines, there has been a steady upward trend in exports over all these years. This includes such important lines as machine tools, railroad equipment, radio and TV sets, and office equipment.

The machine tool export boom is especially important. This year, export orders have accounted for 28 percent of all domestic industry activity in cutting-type tools. Without this foreign fillip, tool makers would really be hurting.

Trends in labor cost—United States versus foreign—also are basically optimistic. Thus, U.S. wages have gone up less than in any other industrial country. Our workers get 28 percent more than they did in 1953, while French labor gets 74 percent more, German and Dutch 58 percent more. Italy comes closest to the United States with a 29-percent wage increase since 1953.

On the other hand, our export prices have risen more than those of any other competing country, except the United Kingdom. American goods are being sold at 7 percent above 1953 prices, while Italian products are averaging 13 percent lower, and Japanese and French goods 6 percent lower than in 1953.

These two facts (relatively low U.S. wage costs boosts and relatively high U.S. price boosts) are not so contradictory as they might seem.

It all can be explained by productivity. The widespread switchover from antiquated to modern equipment by oversea producers in recent years has allowed them to grant bigger wage boosts and still come up with a decline in unit labor costs—a major determinant of price.

PRODUCTIVITY RISES SLOWLY

The relatively slow rate of productivity here, on the other hand, has not been enough to offset even relatively minor wage boosts. Result: Unit labor costs, and hence, prices rose here.

These tremendous overseas productivity gains, however, can't continue indefinitely. They're basically a reflection of transition from antiquated and war-torn facilities to modern ones.

This represented a big step ahead—but any future productivity gains will be much smaller, from here on in, because they will start from an advanced technological base.

Conclusion: It will be more difficult for any future relative price advantage for foreigners to come from productivity.

Also any future gains foreign labor makes relative to the United States will tend to raise overseas prices relative to our own.

All these plus factors, as reassuring as they may seem, still leave little cause for complacency. For, even though we haven't lost out to competition on a wage-productivity basis, we might still succumb to other competitive factors. Some of these are:

Relatively flexible cost structure: Many foreign firms can raise or lower prices as market conditions require, while U.S. firms are often saddled with rigid overhead cost structures and insistence on high return on capital.

Depreciation allowances: Foreign firms are frequently benefited by more liberal depreciation laws than we have.

Taxes: It is generally agreed that American firms carry a heavier tax burden than is imposed by any other important competitor country.

But these disadvantages would be less serious if we improved some of our overseas marketing methods, economists say.

For example, we do very little research into the needs of foreigners. A Cadillac may sell very well on Park Avenue, but it can be, and usually is, a dud in the jungles of Africa and India.

The point is that most overseas buyers will turn to the product that best satisfies their particular demands. Frills and extras are unimportant and often impede sales of domestic merchandise.

Credit is another marketing factor to consider. Too often, American suppliers demand cash in advance, while their foreign counterparts, backed by government funds, are able to offer liberal credit terms.

Fortunately, Washington has recently shown signs of changing its thinking in this respect—and indications are that it, too, will be willing to emulate foreign governments by offering currency devaluation insurance and by extensions of the Export-Import Bank credit guarantees.

THE ADVANCEMENT OF CIVIL RIGHTS

Mr. JAVITS. Mr. President, the importance of civil rights as our No. 1 domestic issue is matched in increasing measure by its international implications in our role as leader of the free world. Peace requires populations which are educated to believe in the priceless heritage of freedom, and there can be no genuine freedom where racial segregation or discrimination continues to exist. However it may be tolerated as a social disorder, it is alien to a free society. Thus, we can give content to our struggle for freedom in the world in large measure by carrying on at least with equal vigor the struggle against racial segregation or discrimination at home.

It is to this problem that the Reverend Robert F. Drinan, S.J., addressed himself in a sermon at the mass for the advancement of civil rights in the United States, sponsored by the St. Thomas More Society at St. Francis Xavier Church in New York City, Saturday, November 5. As dean of the Boston College Law School, he places great emphasis on the role of law in the fight against racial or religious prejudice, but he emphasizes with equal force the importance of sound public opinion and a deep religious faith along with effective laws necessary to achieve success in eliminating discrimination.

I ask unanimous consent that the sermon preached by Father Drinan be printed at this point in the RECORD.

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

HUMAN RIGHTS IN THE SIXTIES

(Sermon delivered by Rev. Robert F. Drinan, S.J., dean of the Boston College Law School, at the mass for the advancement of civil rights in the United States sponsored by the St. Thomas More Society at St. Francis Xavier Church, Saturday, November 5, 1960)

The ancient Athenian jurist Solon was once asked how justice could best be secured. Solon replied that justice is assured "If those who are not injured feel as indignant as those who are."

A deep sense of indignation at rights denied to American citizens has brought this distinguished and devoted group here this morning. The attendance at this religious service of Catholics and non-Catholics is silent testimony that every leader working in the field of human and civil rights knows

that this difficult problem is not basically legal or even moral but rather fundamentally spiritual and religious.

We have gathered to pray together for the fulfillment of human liberty. As the architects of the moral universe of tomorrow you give witness here to your conviction that the law, public opinion and religious faith are the three forces which will shape the society which our children will inherit.

THE SIXTIES: A DECADE OF CRISIS

The entire face of America will change during the decade to come. In 1970 the population of this Nation will be at least 200 million. If present trends continue one-half of this number—100 million people—will have no church affiliation. The three religions—Protestant, Catholic and Jew—will all be minorities in confrontation with more than half a nation dispossessed of formal religious practices and association.

It is important to note this fact since the Nation's religious outlook will inevitably influence its attitude to those among us who happen to be of African descent. This group, which will number about 25 million in 1970, will be profoundly affected by the attitude of the religious and the nonreligious. Is it not, however, one of the most amazing paradoxes that today the leading voices and most powerful forces working for total liberty for all Negroes seem to arise more from secular and humanistic origins than from strictly religious? It is well to recall this since every possible source of support will be needed during the sixties to carry out the spirit and letter of the second emancipation proclamation delivered by the U.S. Supreme Court on May 17, 1954.

One can feel that those devoted citizens who work for minority rights and employ only the argument of human dignity do indeed feel that this dignity has a divine origin yet the nature and source of this dignity must be continuously reexplored and refurbished.

What then can we hope for in the sixties? Could the massive resistance collapse so that we could behold a new America unscarred by racial hostility or religious prejudice? Will the sixties forever bar the necessity of bayonets in Little Rock or sit-in demonstrations in the South?

We must be persuaded that total integration, the total disappearance of all segregation and discrimination is possible if we carry out a three-way program: (1) A continuous appeal to our State and Federal lawmakers for more and better antidiscrimination legislation, (2) an ever more intense campaign to inform society and influence public opinion about the inherent equality of all men, and (3) a crusade of prayer to the Father of humanity begging Him to enlighten the minds and inspire the hearts of His children with a love for every man as an image of his Creator.

No one of these items taken alone will succeed in eliminating discrimination from our midst. All three are required—effective laws, sound public opinion and a deep religious faith. Let us explore each of these three ways to promote human solidarity—the legal, the moral and the religious program required to insure to every member of every minority group that place in the sun in American democracy to which he is entitled.

LEGAL FRONTIERS TO CONQUER

Ever since the Supreme Court in 1954 gave us the magna carta of human equality in America innumerable persons have been working to extend the beachheads of the liberties guaranteed to every citizen. The Federal courts have continued to destroy the Jim Crow pattern in 17 of our States. Decisional law is being regularly extended to ban any public or semipublic acts which are discriminatory because of race or religion. Exclusion of citizens from employment, housing or education because of their race is now clearly forbidden to public officials and, in some States, to private individuals.

But every honest observer must confess a profound dissatisfaction with the inadequate state of our law in relation to its ban on discrimination. Only a minority of Northern States have laws banning discrimination in education, employment, and housing and, in many instances, the enforcement of these laws is ineffective.

The legislators of America should confront the following facts and enact or implement laws capable of correcting these deplorable situations:

1. In every northern city Negroes are segregated in their housing on a "checkerboard" pattern. This situation can be corrected only be effective legislation vigorously enforced along the lines of the recently enacted laws in New York City and the State of Massachusetts.

2. There is abundant evidence that able Jewish citizens are deprived because of their religion of positions in business and banking to which they are entitled.

3. Evidence exists that qualified Catholic professors are not as readily hired at city and State colleges as non-Catholic professors.

4. The right of a woman to receive equal pay for equal work—a right expressly reaffirmed by Pope Pius XII—is not generally guaranteed in American law.

5. The right of a person accused of crime to be free from prejudicial pre-trial publicity has sometimes been lost because of an unreasonable devotion to freedom of the press.

There are then many frontiers for the law to study and conquer. But the status of the Negro in the sixties will not depend primarily on what new antidiscrimination laws are enacted or how much desegregation is ordered by our Federal and State courts. The status of the Negro—his place in the sun of American freedom—will depend on how deeply all Americans believe in the spiritual principle of human equality.

THE HIDDEN POWER OF MORAL CONSENSUS

No law can force men to change their minds although laws do educate and are necessary for that purpose. But compliance with law in any significant sense cannot be expected until and unless those who are forced to comply by law also comply by love. Massive compliance may be accompanied with such massive reluctance that the Negroes who are granted desegregated facilities may be made to feel even more humiliated than if they were offered separate but equal facilities.

The task of the law therefore is but a small (though important) part of the enormous problem of eliminating racial prejudice from the heart of every American.

It is not generally realized that the 1950 census showed that one-third of the Nation's Negroes dwell in northern cities. An unofficial estimate in 1958 placed 40 percent of all Negroes in the North. It seems likely that by 1970 almost 15 million Negroes will be living outside of the South. How will the people of the North treat their new neighbors? This question in many ways is probably more important than the question of how the South will treat its Negro population.

There is encouraging social and legal pressure to give absolute equality to the millions of Negroes in the North but is there an adequate moral consensus that social equality should also be granted? Exclusion of Negroes from country clubs, private hospitals, housing developments, and superior positions in industry is so clear in all northern metropolitan areas that one wonders whether the humiliations endured by Negroes who have migrated to the North are not in fact more severe and degrading than the ordinary Negro's experience in the South.

Education to provide the moral consensus necessary for the most complete integration of the Negro in the North must stress the following:

1. Color or race is irrelevant in our dealings with our fellow citizens. To hold otherwise is to embrace, at least to some extent, the terrible error of racism so vehemently condemned by Pope Pius XII and all modern Popes.

2. It has been shown by many studies that the greatest obstacle to integrated housing in the North is the fear that the presence of nonwhites in the neighborhood will bring about depreciation of the surrounding property. No myth is more difficult to dispel yet no myth could possibly be more erroneous.

3. The human dignity which the Constitution and our basic law presupposes as the indispensable bond binding us together does not mean that we should grant to each other the minimum of those amenities the denial of which would be rudeness. The concept of human dignity which is a part of every American's credo—be he Christian, Jew or agnostic—impels us to be good neighbors to those who share our common destiny.

It is this concept of human dignity which forms the centerpiece and the driving force of the entire movement for full equality for every American.

RELIGIOUS FAITH AND CIVIL RIGHTS

Will effective legislation and a sound public morality be sufficient to inspire and advance a society where equal opportunity is available to every person? We are gathered here today because of our dedication to the proposition that law and morality cannot and will not bring about the good society. For we are not merely citizens of the state for whom laws are necessary, nor are we merely brothers for whom a moral consensus is necessary before we can live together in peace. We are sons of God redeemed and joined forever in a real family.

We are gathered here therefore not merely to urge more and better laws against discrimination or to rekindle our public morality but rather to give witness to the fact that when a Negro or a Puerto Rican or any other child of God is humiliated God our Father is insulted and all of us in Him are outraged.

This mass and this religious service have a triple purpose—to change the hearts of those who do not love enough, to do reparation for the humiliation of Christ in His brethren and to pray for inspiration so that we can be the children of light against the powers of darkness.

We Catholics know this mass and your prayers will echo across three universes—the church suffering, the church triumphant, and the church militant. The church suffering is consoled and assisted toward the beatific vision, the church triumphant is reminded of the enormous needs of mankind and the church militant is strengthened by the merit added to the treasury of the mystical body.

You, our fellow Americans of other faiths, know that God, our common Father, hears your cries and righteous prayers for justice and will give effective answer.

How dedicated we will be in the struggle for human rights during the decade to come may well depend on the degree of dedication which we accept here this morning. I urge you to accept and nourish as a direct grace from God those feelings of indignation which come to you because of the denial of the human dignity and the human rights of your fellow citizens. Deepen this indignation because justice will not come unless those who are not hurt, in the words of Solon, feel just as indignant as those who are.

Mr. ROBERTSON. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. No; the Senate is still in the morning hour.

BUSINESS ETHICS AND THE ELECTRICAL FIRMS CONSPIRACY

Mr. FULBRIGHT. Mr. President, in this morning's press there is an account of a conspiracy among 19 of the leading manufacturers of electrical equipment in the United States. Involved in the conspiracy are 44 of the officials of these great enterprises. These officials pleaded guilty or nolo contendere to the indictments brought by the Government, charging them with the gravest, most serious kind of conspiracy to undermine and to destroy the competitive free-enterprise economy in this country.

Mr. President, our country, our allies, and all other free peoples are presently confronted with an unprecedented challenge from the Communist world. I submit that unless and until we correct the demoralization which these cases illustrate, we shall find it impossible to provide effective leadership to the free world.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, an article entitled "How Electrical Firms Shared Business," written by Mr. Bernard D. Nossiter; and also an editorial entitled "Business Ethics." I especially commend these to the attention of my colleagues. I have never before heard of as shocking a case of violation of our antitrust laws and of the undermining of the very principle of free competitive enterprise.

These cases have very wide ramifications. Presently there is in my State a case in which the bids for turbines in dams built by our Government are in controversy; a foreign company has bid against domestic companies. In the past and presently we have a policy of protecting to a certain extent, under the so-called buy-American principle, our domestic manufacturers; and one of the principal beneficiaries of these laws has been the largest company involved in this conspiracy.

I submit that while these matters are of great importance here at home, they also have very great implications in our foreign relations; and I hope my colleagues will take the time to read this article and the editorial.

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

[From the Washington Post, Jan. 4, 1961]

BUSINESS ETHICS I

There is a story in London arising from the Bulganin-Khrushchev visit of 1956. In a moment of informality, the Russian visitors confessed to their hosts a dread of the wearisome accumulation of domestic industrial problems which faced them on their return home. At this point, Mr. Macmillan is alleged to have said: "Ah, we have an easier system here. We leave those matters to a thing we call business."

In a similar fashion we do the same. We leave to a "thing we call business" a multifarious collection of problems relating to industrial activity. Some enthusiastic sloganer has titled this arrangement "Free Enterprise." And lately it is fashionable to speak of the "private sector."

More accurately, we live in a mixed economy with tariffs, subsidies, tax privileges, credit arrangements, and direct and indirect governmental regulation. In total this is neither socialism nor capitalism, but a composite adjustment of a practical people to the realities of day-to-day affairs.

There are after all more important things than the question of one's daily bread, especially in a fortunate land. And the good sense of the American people has generally led us, perhaps without knowing it, to subordinate purely material matters to the general freedom and welfare of the community.

So we do not live for bread alone. Our lives and being are not only demeaned but also lied about in a description of them as "free enterprise." And our lives sensibly refuse to be divided by statistical professors into private and public sectors. We live in private houses which we can afford because of governmental control of the mortgage market and we send our children to public schools over which we exert greater local control than we do over mortgage rates.

But to say that free enterprise is an oversimplification is not to deny that there is much commonsense in the freedom that private enterprise enjoys in America. This provides a sensible division of managerial labor. Quite beyond that practical consideration, it permits more total freedom in everyday life than would be possible under government ownership or direct regulation.

Which brings us to our point. The freedom of American business enterprise is not something decreed in either the Old or the New Testament. It exists only because it has worked and it will cease to exist when it ceases to work.

Today the conduct of private business can be of as much public concern as the conduct of any public agency. That behemoth of public agencies, the Pentagon, spends more than $41 billion a year. But that huge sum is equaled by the net sales of the nine largest private companies.

It is properly shocking when a public official fails to meet his responsibilities—either through his own misconduct or his failure to control his subordinates. In these times, when the private sector is more than three times larger than all governmental expenditure, it is equally shocking when private corporate officials fail to control their large enterprises.

Tomorrow we plan to make some more specific comments.

PRICE FIXING CASE—HOW ELECTRICAL FIRMS SHARED BUSINESS

(By Bernard D. Nossiter)

The Nation's heavy electrical equipment manufacturers pleaded guilty last month to a classic case of price fixing. As described by the Government, they followed a relatively simple pattern to set prices, rig bids and divide up markets.

In some ways, the most remarkable feature of their conspiracy is its size. In all, 19 concerns and 44 of their officials pleaded guilty to one or more of seven indictments. Their agreements were of varying length but spanned the period from 1951 through 1960. They covered sales estimated at $8 billion—$7 billion to private utilities and other corporations and $1 billion to the Federal, State and local governments.

According to the indictment and the statements of Government lawyers at Philadelphia Federal Court hearings on the pleas, the conspiracies usually took this form:

Company executives would meet frequently in hotel rooms. There they would decide how big a share each firm would get of the market under discussion. They would review the orders that were in sight, determine who would get them and how much they would charge. The bigger business—sales to private corporations—would generally be decided by high executives. The smaller Government orders were often left to lower level officials. They would sometimes come to the hotel rooms with ledger lists—a box score showing how much business each firm had been getting. That way, new orders could be allocated so that each firm got its agreed upon share.

Attorneys for the manufacturers told Federal Judge J. Cullen Ganey that the conspiracies violated company policy.

For example, General Electric Co.'s lawyer, Gerhard A. Gesell, said:

"This corporation has had a considered, deliberate polcy designed to prevent the very type of occurrence with which we are suddenly confronted here.

"This policy was issued in 1954. It states:

" 'No employee shall enter into any understanding, agreement, plan or scheme, expressed or implied, formal or informal, with any competitor, in regard to prices, terms, or conditions of sale, production, distribution, territories, or customers, nor exchange or discuss with a competitor prices, terms or conditions of sale, or any other competitive information, nor engage in any other conduct which, in the opinion of the company's counsel, violates any of the antitrust laws.' "

Gesell went on:

"This policy * * * repeatedly was brought home in management conferences * * *. Before this case came along, men were disciplined for violation of the policy. Men were discharged. Since this has come along, other men have been disciplined."

Gesell also said that the company's guilty pleas were made with a desire to terminate what would otherwise be most protracted and expensive litigation.

Similarly, former Attorney General Herbert J. Brownell, lawyer for Westinghouse Electric Corp., said:

"Westinghouse has sought for years in every way possible to avoid involvement in cases of this type. Unlawful acts, if any, by its employees charged with pricing responsibility have not only been unauthorized but contrary to specific instructions that the antitrust laws must be obeyed."

Brownell added: "Westinghouse wishes to make it clear that in its pleas of guilty and nolo contendere that it does not thereby admit the allegations."

Sometimes the conspirators worked out their plans in writing. Here is how Assistant Attorney General Robert A. Bicks, head of the Antitrust Division, described the operation for the sale of circuit breakers:

"In the early years there was a practice known as the inner-company memo. Once each week with quite regular precision the top executives responsible for the carrying out of this conspiracy would communicate with each other via memo which each executive initiated. * * * At its early stages in 1951 and 1952 there were four companies in this conspiracy, GE, Westinghouse, Allis-Chalmers (Manufacturing Co.), and Federal Pacific (Electric Co.). I-T-E (Circuit Breaker Co.) did not come in until later.

"The initiator of the communication would change month to month, company by company; by communication known as the inner-company memo would deal generally with jobs that were coming up during that week, the price each would bid, and any comments that were to be offered on the general price level."

These memos, said Bicks, dealt with the sales to private corporations. The sealed-bid business of governments was handled at working level meetings.

Bicks continued: "At a working level meeting where a particularly big job was up for discussion the percentages would be reviewed in light of what was known as the ledger list which had on it recent sealed-bid jobs given to the other defendants. In light of that ledger list it was decided which of the companies, to keep the percentages constant, would get the job. Now if that company was prepared to say the price at which it was going to bid then the other companies could discuss among themselves what they would bid, add on for accessories,

to make sure or to give the company that had the job, whose turn it was to get the job, the best shot at it. If the company whose job the particularly rigged job was supposed to be did not know the price there would be later communication, either by phone to homes with just the first names used, or by letter to homes with just the first names of the senders, with no return address, and this wonderful code which appears for the first time in this case. The numbers were 1, General Electric; 2, Westinghouse; 3, Allis-Chalmers; and 7, Federal Pacific. What happened to 4 or 5 and 6 until I-T-E came in remains a mystery. When I-T-E came in, in 1958, it got 6."

The company officials met in hotels all across the country. Among the places listed by the Government were New York City, Philadelphia, Atlantic City, Hot Springs (Va.), Hershey (Pa.), Cleveland and Seattle.

As the biggest company, GE generally got the largest share of the carved-up markets. The Justice Department said that the agreement on circuit breakers to Government agencies originally gave GE 45 percent, Westinghouse 35 percent, Allis-Chalmers 10 percent, and Federal Pacific 10 percent; for power transformers, it went GE 30 percent, Westinghouse 30 percent, Allis-Chalmers 15 percent, Moloney Electric Co. 10 percent, McGraw-Edison Co. 8 percent, and Wagner Electric Corp. 5 percent.

Sometimes, a company aid would avoid a face-to-face meeting with a group of competitors but accomplish his end anyway.

Baddia Rashid, chief of the Antitrust Division's trial section, told the court of an August 1956, meeting at Camp Keystone, near North Bay, Ontario. He said: "The defendants held the meeting at a particular cabin in this island resort. Mr. Oswalt (W. F. Oswalt, general manager, general purpose control department, switchgear and control division, GE, who pleaded guilty) who was representing General Electric during this period was not attending meetings with the rest of the companies.

However, Mr. Oswalt got himself a cabin in very close proximity to the cabin being occupied by the other defendant representatives. An individual at the conspiratorial meeting was sent periodically during the course of the meeting to Mr. Oswalt's cabin to consult with Mr. Oswalt as to his position on the various matters that were being discussed. It was a representative of one of the smaller companies that was delegated to be, in effect, the relay man between the two cabins.

"Mr. Oswalt agreed to the price increase and so notified the relay man who communicated this fact back to the remainder of the individuals at the first cabin.

"He remained outside the meeting of August 1956, in Canada in another cabin, but he sent the messages in to the other group urging them to put in effect a price increase of 10 percent. In this situation Mr. Oswalt was the initiator and the leading figure on that 10-percent price increase."

The electrical firms used a variety of methods to determine who would get an order. In one case, the companies took turns in alphabetical order. In another, described in the turbine-generator indictment, the decision was made by lot.

But the most sophisticated technique apparently was the phase-of-the-moon formula for determining automatically what each company would bid on power switchgear assemblies for private corporations.

The indictment described its operation this way:

"At these periodic meetings a scheme or formula for quoting nearly identical prices to electric utility companies, private industrial corporations and contractors was used by defendant corporations designated by their representatives as a 'phase of the moon' or 'light of the moon' formula. Through cyclic rotating positioning inherent in the formula one defendant corporation would quote the low price, others would quote intermediate prices and another would quote the high price; these positions would be periodically rotated among defendant corporations."

THE AREA REDEVELOPMENT BILL

Mr. HUMPHREY. Mr. President, it is my privilege to be a cosponsor of the area redevelopment bill with the senior Senator from Illinois [Mr. DOUGLAS]. I have joined with him before in supporting similar legislation, and I share his joy in finding sympathy and encouragement for this legislation from the President-elect.

The latest report from the Labor Department indicates that more than one-third of the major labor market areas are suffering from serious unemployment, and that, in addition to these 51 major centers of unemployment, there are 123 smaller areas with serious unemployment troubles. In my own State of Minnesota, serious unemployment continues in the northeast area, and in Duluth, in particular.

Mr. President, we have had a very serious time in this area of my State. Iron mining is down considerably; unemployment continues to mount; and up to date we have found no real solution. It is our view, in Minnesota, that the area redevelopment legislation offers us at least a hope for some alleviation of the unemployment and economic distress.

I think the need for this area redevelopment legislation has been established beyond the shadow of a doubt during the past 4 years.

In the 84th Congress, the Senate passed an area redevelopment bill to help economically distressed areas; but the other body failed to act on it.

In the 85th Congress, both Houses approved area redevelopment legislation; but the President's veto killed our hopes.

In the 86th Congress, we again were successful in passing area redevelopment legislation through both Houses of Congress. But again the President's veto killed our efforts to get this legislation onto the statute books.

We are indeed fortunate that the recommendations of the special study group headed by Senator DOUGLAS, for the President-elect, are being translated into legislative action so quickly; and I pledge my full support for early action in this House on this thoroughly discussed and thoroughly studied legislation.

No one need fear that this is a blank check for hasty or reckless action. This is primarily a loan program which will be self-supporting in the long run.

Under this proposal, there will be a ceiling of $400 million on the total Federal commitment; and the commitment for the first fiscal year of the new administration is limited to $100 million.

I may add that I think this is a very modest amount; I only hope it will prove to be enough. I have serious doubts that it will; but at least it is a beginning.

The Federal Government can make loans to communities in depressed areas, to aid construction of public or private facilities which will help to attract new industry; and the bill also provides for vocational training and retraining subsistence payments.

Mr. President, I wish to note that it is my intention to offer again the Youth Conservation Corps bill, which I believe is supplemental to the area redevelopment bill, or at least is a companion measure. There is a rising number of unemployed young men between the ages of 17 and 20. This is going to be a very serious problem in some areas of the country. The Youth Conservation Corps bill will afford an opportunity for many thousands of young men for gainful employment in the great national parks, national forests, State parks, and State forests, in the field of conservation.

I shall again introduce the bill, which previously passed the Senate; and I hope that, again, favorable action will be taken on the bill by both Houses of Congress, and that the bill will then be signed by the President.

It will bring new life and new hope to the depressed communities which have too long been denied their fair share in America's prosperity.

Mr. President, area redevelopment legislation is long overdue and urgently needed. This legislation should receive the same high priority in Congress that it has in the program of the President-elect.

I want to compliment the President-elect for his leadership in this matter in keeping the commitment he made to the people of the United States in his campaign.

MORE DANGEROUS THAN A FILIBUSTER

Mr. RUSSELL. Mr. President, I ask unanimous consent that there may be printed in the body of the RECORD a very able and instructive article appearing on the editorial page of today's Washington Evening Star, by Mr. Gould Lincoln, entitled "More Dangerous Than a Filibuster."

The article very clearly depicts something I have endeavored in time past to present to the Senate, the danger of adopting a gag rule in the Senate of the United States. It looks very wonderful to have a gag rule when one has a majority of the votes, a majority of one, and has made his speech. Then it is wonderful to have a gag rule or a previous question device that brings an issue to a vote and does not give anyone else a chance to express his views; but you may be sure, Mr. President, these chickens will come home to roost, and if we ever do destroy the Senate's constitutional function, and prescribe a rule that will, in effect, deny a representative of a sovereign State the right to full expression on the floor of the Senate by imposing one of these drastic gag rules, we will not only have denied the right of a sovereign State, but we will have sounded the death knell of true liberalism in this country.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

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

MORE DANGEROUS THAN A FILIBUSTER

(By Gould Lincoln)

The Senate today is locked in another struggle over the proposition that a majority—even of one—should be entitled to cut off debate and force a bill, a resolution, an important issue to a vote, no matter how ill-considered and no matter if it violates rights of a minority. For generations—indeed, since the beginning of the Government of this country—the Senate has remained a unique body, with debate unlimited. This, it is true, was modified by the adoption of the so-called cloture rule immediately after President Woodrow Wilson began his second term of office. This rule, however, specified that debate could be closed only on a request by 16 Senators for cloture, and only by a two-thirds vote. This two-thirds vote requirement to close debate, despite attacks, has continued and is in the Senate rules today. Indeed, it was strengthened at one time to require a two-thirds vote of the entire Senate membership. Two years ago, this was modified to return to the old two-thirds of those present and voting.

Now the proposal by the so-called liberals, both Democratic and Republican, is to change the cloture rule and make it possible to adopt cloture by a majority vote of the Senate, and barring that, by a three-fifths vote. The immediate issue is whether such a change should be made, and whether, if made, it would not rise to change the whole structure of Senate action, including disregard of minority rights, and action on ill-considered and destructive measures.

An interesting question is: Were it not for the civil rights issue—the race issue—and the Negro vote that issue is supposed to command, would this contest over the Senate rules be so strongly pressed at this time? Northern Democrats and northern Republicans, with some exceptions, are pressing hard for this change in the rules in order to put a stop to filibusters against more drastic civil rights legislation, strongly resisted by Senators from the South. They are trying, not merely to give equal protection under the law, but to force by statute changes in society and social relations.

BOOMERANG EFFECT SEEN

In order to gain their particular end at this particular time, supporters of the proposal to amend the rules are closing their minds to the possibilities of the future. Eight or nine Republican liberals are supporting the move which, if successful, could rise to smite them later on. They may find themselves hamstrung in efforts to prevent costly so-called social programs from being enacted into law and to halt excessive Government expenditures which could help to bring about disastrous inflation and devaluation of the dollar. Further, there are liberals on both sides of the aisle who are overlooking the possibility that in the future a mere majority of a Senate, controlled by the conservatives, could force upon them what they consider reactionary measures. At this very time, Republicans in the Senate should be aware, the Kennedy administration is coming into power pledged to the adoption of programs to which they are fundamentally opposed and programs that will tend to increase the vast governmental bureaucracy centered in Washington.

CONDITIONS CHANGED

The conditions today, so far as congressional procedure is concerned, are very different from those which prevailed when an outraged Senate put through the cloture rule in 1917. President Wilson had strongly urged the arming of merchant ships to protect them against German submarine attack. In those days the old short session of Congress—by which a Congress was terminated on March 4—was still in effect. A small group of Senators was opposed to the armed ship proposal. With only a few days of the session remaining before a new Congress—not scheduled to meet until the following December—should take the place of the dying Congress, these Senators by exercising the right of unlimited debate, were able to prevent action on the Wilson armed ship bill.

That kind of action would not be possible today. There is no short session. A Congress can remain in session right up to the day a newly elected Congress moves into the Capitol. As a matter of fact, the failure of the armed ship bill because of the filibuster in the Senate had little effect. Within a few weeks, Mr. Wilson was calling the new Congress into special session for a declaration of war against Germany. And he had no trouble getting prompt action in both Senate and House.

Nor is it at all likely, despite the arguments advanced by some of the liberals, that the Senate will fail to act promptly when the safety or defense of the United States and its people is in the balance.

The use of the rule of unlimited debate, now modified by a two-thirds vote cloture amendment, has been exercised many times in the Senate to halt speedy and perhaps unwise action on a wide variety of subjects besides civil rights. And on many occasions when a measure really needed has been filibustered, in the end the filibuster has been beaten down and the measure passed or adopted.

With all the serious problems confronting the United States today it is to be hoped that the Senate will not waste time—will not tie itself into serious enmities over this question of procedure—and that the Congress and the executive branch of the Government may turn its attention promptly to those problems.

BIRTHDAY OF SENATOR DIRKSEN OF ILLINOIS

Mr. KUCHEL. Mr. President, yesterday, January 4, was the anniversary of the birth of a distinguished American, who graces this Chamber by his distinguished presence. We salute the State of Illinois and the people of Illinois for sending to the Senate of the United States our beloved friend, an able statesman, one who has a truly marvelous and unique capacity to express himself with dignity and power and persuasion, and one who has been honored again as the leader of our fellow Republicans on this side of the aisle.

EVERETT MCKINLEY DIRKSEN was born in Pekin, Ill., on January 4, 1896. He served his country in uniform in World War I. He became a distinguished lawyer, and, incidentally, matriculated for part of that time in the University of Minnesota Law School; and then for eight terms EVERETT MCKINLEY DIRKSEN was a leading Member of the House of Representatives.

EVERETT voluntarily retired from public service because of a potential physical affliction, which we are all glad was subsequently overcome, and then he offered his services to the people of his State as a Member of the U.S. Senate. And since 1950, the dear friend of all of us on the minority side, the friend of your colleagues, Mr. President, on the majority side, and of all of us, has added luster to this Chamber by his presence here.

Time and time again Senators have come into the Senate Chamber to listen to the vigor and the warmth and the color and the charm by which the minority leader has led the Senate in its approval of the recommendations which our President these last 8 years has made to the Congress.

Yesterday the Vice President of the United States and the Vice President-elect of the United States, the leadership of the Democratic Party in the Senate, his colleagues in the leadership of the Republican side, and some others of his friends were pleased and proud to commemorate his birth date and to toast him and to bid him Godspeed for many, many more years of health, happiness, and service to his country.

Mr. President, I am most honored to stand here in the Senate, which EVERETT MCKINLEY DIRKSEN loves so dearly and in which he is held in so high esteem by all Members of the Senate, and to salute Mrs. Dirksen with him and his family, and, too, the good people of Illinois who have sent him here to demonstrate the preeminence of one of their favorite sons, one of America's most distinguished statesmen, and one of our dearest friends.

Mr. RUSSELL. Mr. President, I certainly wish to seize this opportunity to extend my felicitations and my congratulations to the distinquished Senator from Illinois [Mr. DIRKSEN]. He is one of the outstanding statesmen and parliamentarians of this era.

Mr. President, I trust that for many, many years to come the mellifluous voice and eloquent words of EVERETT DIRKSEN will be able to resound throughout this Chamber and throughout the land without being circumscribed and stopped by any effort anywhere to impose a "gag rule" in the Senate of the United States.

Mr. BUSH. Mr. President, apropos of the same subject, I wish to endorse fully the remarks of my colleague from California and subscribe to the emotional and sentimental observations of my friend from Georgia. I must say that in the past 2 years, in which Senator DIRKSEN has been our leader, I have seen a greater degree of fellowship and a greater degree of unity among the Republicans of the Senate, and a spirit of good will in the Senate, which he has inspired even when we have been debating the most difficult and controversial issues.

These things, I think, are a tribute to the great warmth of his personality, which in no way diminishes his vigor or his enthusiasm and courage—at times remarkable courage—in fighting on this floor for things which he thinks are right.

He has repeatedly been helpful to me in connection with problems of my own, and I know he has treated other Senators on our side of the aisle with the same consideration, giving them help from time to time which no one else could have given and which, perhaps, no one sitting in his chair could have given so well.

EVERETT DIRKSEN'S defense of the President's program in the last 2 years has been astonishing. He has repeatedly

carried the flag, to use his own words, regardless of the issue. I think he would agree, as I do for myself, that we have found ourselves very comfortable in the political philosophy of President Eisenhower, and it has not been too difficult to proclaim his program and to fight for it on the floor of the Senate. I have found that a great satisfaction myself, and I have no doubt that in the case of my dear friend, Senator DIRKSEN, his sympathy with these principles has aided him in his forceful and effective proclamation of the President's point of view.

Mr. President, I am sorry that I did not know about his birthday yesterday, but I wholeheartedly wish for him many happy returns of the day.

Mr. KEATING. Mr. President, it is a genuine personal pleasure for me to join with EVERETT DIRKSEN's host of friends in extending warm good wishes to him on the occasion of his birthday. I understand that with this birthday he reaches an age which will entitle him to take advantage of some of the laws which he has helped to pass, and which give special advantage to those of us who may be called elder citizens. He will have some advantage in that regard, but it hardly seems possible that he has reached another birthday. I shall not labor the point further.

EVERETT wears each birthday like a fresh carnation, which serves as a lesson to all of us that nothing keeps a man so young as hard work, a serene philosophy, and a keen sense of humor. His own party members know and respect EVERETT as a distinguished and able leader. The opposition party respects and esteems him as a vigorous and a constructive dissenter when, by his lights, dissent seems to be the course which he should take and the better part of wisdom.

There are places where silence may be golden, but of course the U.S. Senate is not one of those places. In this Chamber, where the gift of eloquence is counted as one of the supreme gifts, EVERETT DIRKSEN stands as one of the finest speakers of our time. If the human voice may be termed an instrument, no one plays it with more skill, with more imagination, with more inspiration or with more effectiveness than our distinguished colleague from Illinois.

Behind this gift of speech is a no less gifted intellect, an outstanding ability to fulfill the high responsibilities of leadership which his party has entrusted to him, and, above and beyond that, a great capacity for deep and enduring friendships.

Throughout his life EVERETT DIRKSEN has used time well. Perhaps that is why time has, in return, been so good to him and given to him so many birthdays. This one, I hope, will be only the beginning of a long and happy string of future birthdays.

Mr. HUMPHREY. Mr. President, I wish to join with my colleagues on the Republican side of the aisle in their felicitations and good wishes to this fine citizen and good man, EVERETT DIRKSEN, the minority leader. I wish to join with the very able Senator from Georgia [Mr. RUSSELL] in the words he expressed, up to a point, which I shall note by proper modification.

We in Minnesota are mighty proud of the fact that the Republican leader was a student at the University of Minnesota College of Law. He suffered the same pains on January 2 that the senior Senator from Minnesota suffered, as we watched the Rose Bowl game. I have been able to commiserate with him on this matter of common sorrow.

I say to my friends, sometimes it takes sorrow and travail to bring together those of us who do not always agree. We find common purpose in common grief.

I assure my good friend that his attendance at the University of Minnesota has been looked upon as a singular honor to our splendid university.

In all seriousness, I felt that this side of the aisle would be remiss if we did not indicate to the country and to the Senate that we see in EVERETT DIRKSEN a man who is able, fair, and decent—a very, very powerful advocate of his point of view. The tributes which have been paid to him today, with respect to his support of the President's program, are worthy tributes and a high honor.

Being the leader of one's party in the Congress of the United States, for an administration one has helped to elect and helped to support, is indeed a matter of responsibility; and I think it is a matter of honor when one attempts to carry the banner of that leadership and of that administration as much as one possibly can.

Those of us on this side of the aisle who have disagreed on occasion with some of the programs or the policies of the administration have stood here and watched with respect and with admiration the splendid work and the leadership of the Senator from Illinois [Mr. DIRKSEN].

As one who has occasionally suffered some of the verbal parries of the Senator from Illinois, I assure Senators that he is a really tough adversary—tough in the sense of his ability. He is never mean and is never unkind. His speeches are brilliant. He is an exhilarating speaker. I really enjoy listening to him.

I do not know what more one can say as a compliment to someone who devotes himself to the use of the word than to say that one really enjoys his speech and finds it edifying.

My final thought to the Senator from Illinois is this: I should like to go as far as the Senator from Georgia [Mr. RUSSELL] in saying that I should like to hear the Senator's voice reverberate in these Chambers for years and years, almost forever, except that I happen to be a proponent of the belief that 15 days at a time would be adequate, plus a share of the 100 hours. However, I join with the Senator from California in saying that if the Senator from Illinois wishes to come back for a repeat performance, after we have arrived at the first decision, I surely would have no objection, and most likely would find it beneficial.

I wish him well and thank him for his friendship, which I think is a precious gift.

Mr. SALTONSTALL. Mr. President, I add my words to those of my colleagues in wishing the minority leader, EVERETT DIRKSEN, my friend, a very happy birthday. I knew him first when he came to Massachusetts to speak at nonpolitical functions and at political functions, and in every instance he spoke to the point, in language that we could all understand, and in such a way that we enjoyed listening to him.

Since he has been in the Senate I have become his friend. At least I describe myself as a friend of his, and hope that it is mutual. Over the past few years, since he has been our minority leader, he has shown a spirit of nonpartisanship and a spirit of good government. It is a position that I greatly admire. Sometimes I have not always agreed with him. I could not always go along with him. But when I told him my position, he never expressed disappointment or chagrin in any way. As the Senator from Minnesota has so well said, he argues forcefully and to the point, but he argues outside of personalities. When he is all through, no matter how strong his argument may be, he is still a friend.

I join in congratulating the junior Senator from Illinois upon this birthday, and hope that for a good many years, while he and I are serving in this body together, I may have the opportunity of wishing him still another happy birthday. I believe this is the fifth time I have expressed myself on his single birthday, and I look forward to doing so again a year from now.

Mr. MUNDT. Mr. President, it is an unusual pleasure for me to join the many friends of Senator DIRKSEN on both sides of the aisle in once again wishing him a happy birthday. I knew EVERETT DIRKSEN by reputation a long time before I had an opportunity to meet him personally. When I was a freshman at Carlton College in Minnesota a representative of a book company in Cleveland, Ohio, the Bacon Book Co., publishers of the Peoples Home Library, came to Carlton to try to induce students who were trying to earn part of their way through college to engage in the business of selling books to rural people in remote areas in the summertime.

One of the great illustrative success stories always pointed to was that of a fellow by the name of EVERETT DIRKSEN, who gave up a career as a baker to become a lawyer and statesman, and who left his home in Illinois to go to the University of Minnesota. It was pointed out how successful he had been and how much money he had made selling the Peoples Home Library. He was said to be a great advocate of the slogan of Bacon Book Co., "Bacon books bring home the bacon." He brought it home. I sold many books, but when it came to collecting for them, I did not get much bacon. I found it was easier to sell books to people in Kendallville and Auburn, Ind., than it was to return 6 days later and be compensated for the volume I was so eager to deliver.

I have naturally followed EVERETT DIRKSEN's career with a great amount of satisfaction ever since that first success story, which was given to me in absentia before I had ever seen his picture, before I had ever run my fingers through

his tousled head of hair, and before I had ever listened to his mellifluous tones as he engaged in the great art of forensics.

When I finally arrived in the House of Representatives, however, EVERETT DIRKSEN was there to greet me. He had already been there for a considerable time and had a great record for himself as the hardest working Member of the House of Representatives. There he served on the Appropriations Committee with great honor and distinction, and I was among those who delivered a farewell address to him when he thought for a time that he was going to have to give up his political career because of faulty vision. Let it be said in commendation of him that when he felt his vision was to be permanently impaired, rather than to do half a job or two-thirds of a job in the House of Representatives, realizing that he might not be able to do the job with 100-percent effectiveness, he walked down to the well of the House on a melancholy afternoon and told us that he was retiring from the Congress and retiring from public life because the doctor had told him that his vision had become greatly disturbed, and that he might conceivably lose the sight in his eyes. So he retired.

The Lord was good to EVERETT DIRKSEN, as he has been good to the Lord and to the people. During a trip around the world he came in contact with an eye specialist abroad, who brought him in contact with certain medical treatments and other treatments which completely restored his eyes to the point where his vision is probably better and more secure now than that of a great majority of the Members of the Congress today.

In the meantime, however, history had marched on. Someone had replaced him in the district which he had represented so well and for so long, in which was his home in Pekin, Ill. He was not one to try to oust from office the Representative who had taken his place in perfectly good faith. So for a while it appeared that the country would lose the services of one of the great statesmen of our era.

However, a vacancy developed on the Republican ticket for a candidate for the U.S. Senate. I shall always remember the evening when I received a telephone call from EVERETT DIRKSEN asking if I would be willing to fly out to Pekin, Ill., on a Sunday afternoon and deliver a "kickoff" speech whereby EVERETT was to announce his candidacy for the U.S. Senate on the Republican ticket. Nothing gave me greater pleasure. I never accepted an invitation to speak with more enthusiasm or with greater alacrity. I remember the day at the Tri-County Fair with EVERETT DIRKSEN. In front of the great multitude of his friends, happily situated there in a little meadow between Pekin and Peoria, Ill., in my weak way I selected a subject upon which anyone could wax eloquent—the values and virtues of EVERETT DIRKSEN. I thought he would make a great U.S. Senator. With due humility he accepted the challenge to run, and the rest is history. He has been here ever since, and I certainly hope that he will be here for many long years to come. I was happy to be here to greet him when he came, as he greeted me in the House of Representatives when I arrived there. So it is good to follow a young man who, in typical American fashion, worked his way up through school, into the House of Representatives, retired, and came back because the good people of Illinois recognized the sterling qualities of character as well as the unique abilities which are so closely identified with the personality of EVERETT DIRKSEN.

My wife Mary and I have been warm personal friends of EVERETT, Louella, and his charming daughter Joy for many years. I do not know how many birthday parties I have attended for EVERETT DIRKSEN, but I like them, and I am perfectly willing to keep on coming for another 50 years. Happy birthday and pleasant going in the days ahead.

Mr. PASTORE. Mr. President, when I was about to come to the Senate of the United States, a very good Republican friend of mine in Rhode Island said, "Watch Senator DIRKSEN." I have done that through the years we have been associated in the Senate. I have observed his talents, his techniques, his oratory, and urbanity, and I must say that I have been very much impressed. But even more than that impression is the experience that during our service here together a mutual respect and admiration and affection has grown up between us, which I prize very, very much. His surface qualities are deep attributes of the considerate colleague—the patriot—the statesman.

In my humble opinion, EVERETT DIRKSEN is one of the most eloquent and brilliant men in the Senate. I have never come in contact with any man who has a fairer sense of judgment, or who expresses himself with more courtesy or conducts himself with more equity in dealing with his colleagues in the Senate, than EVERETT DIRKSEN. I speak these sentiments to you, my friend, the minority leader of the Republican Party in the Senate, on the occasion of your 65th birthday anniversary, and I join with my many colleagues in saying to you and to your whole family: Happiness and health—ad multos annos.

Mr. CARLSON. Mr. President, I wish to associate myself with other Senators who have extended congratulations to the distinguished minority leader on the occasion of his 65th birthday anniversary. He came to the House of Representatives in the 73d Congress. I had the honor of arriving in the 74th Congress. Therefore I believe that on my side of the aisle I began serving earlier with our distinguished minority leader than any other Member of the Senate who has also served in the House of Representatives.

As has been mentioned by the Senator from South Dakota [Mr. MUNDT], I was not only met by the distinguished minority leader, but I was assisted by him in getting started in my service in the House. One thing that I have observed particularly, as I believe every Member of the Senate will agree, is that EVERETT DIRKSEN is one of the hardest working Members of the Senate. That was also true in the other body. He was working very hard over there, too. As a matter of fact, I believe he worked too hard there. I think, too, that he works too hard in the Senate. I have on several occasions during the last session suggested that he slow down a bit, because I believe he has been endangering his health. He should not do it, even though in his fervor he is willing to sacrifice everything for his service. He has done that. He has achieved great success because of his tireless efforts and his personal interest and dedication to the service of his State and to his country. I extend my congratulations to him.

Mr. JAVITS. Mr. President, I, too, would like to join my colleagues in congratulating EVERETT DIRKSEN on his birthday anniversary, as well as extending best wishes to his lovely and gracious wife, and especially to express the hope that he will remain in good health.

I may say, EVERETT, that we hear a great deal from you, and have many times, about carrying the flag. It is not very often, however, that our distinguished majority leader, and my leader, has told us what is on that flag. On his birthday I would tell him that on that flag are friendship and affection and warm, good feeling, not only for his colleagues on the Republican side, but also for his colleagues on the Democratic side, and, indeed, also for all the people of our great country who love decency and liberty and justice and tolerance and understanding, and for all of us who may occasionally disagree with him. He has a really big, generous heart. That is what is on that flag, EVERETT. I hope you take that memory with you. And we wish you a very happy birthday.

Mr. HICKENLOOPER. Mr. President, I rise with some humbleness to join in congratulating our distinguished leader of the minority. I say I do so rather humbly, because in years EVERETT is somewhat my senior. Therefore, as a man younger than he, I approach my congratulations to him with some trepidation and with the hestiation of youth approaching greater age and maturity.

To get down to specifics, EVERETT is indeed my senior in years, I believe, by 4 months. Nevertheless, I claim that junior status, and will do so as long as I can, and will hold on to those junior years.

Seriously, I have enjoyed and benefited in my association with EVERETT DIRKSEN for a good many years.

I will not repeat what has been said, but I join in the statements of other Senators who have called attention to EVERETT DIRKSEN'S tremendous capacity, his breadth of understanding of the problems that confront him, and his courtesy and consideration for his fellow men and associates.

I believe that one of the outstanding things that has endeared EVERETT DIRKSEN to Democrats and Republicans alike is the fact that he acts politically and personally without guile. He is not a conspirator in his methods or actions or in his thinking. He is vigorous and frank and powerful in advancing his ideas and the things which he supports. All this adds up to the tremendous confidence which members of his own party and of the Democratic Party have in EVERETT DIRKSEN as a man and as a political leader.

We have congratulated EVERETT DIRKSEN before on his birthday. We all look forward to congratulating him repeatedly in the years to come. We, on the Republican side, look forward to the continuing inspiration of his leadership and to our continuing trust and confidence in him, which are well merited, so far as his piloting the affairs of the Republican Party in the Senate and in the Nation are concerned. I know we can look forward to continuing cooperation and confidence in him by us, by our Democratic friends on the other side of the aisle, and by those in the country who respect and admire and appreciate his leadership.

Without further taking the time of the Senate, I wish to close by saying again to EVERETT: Congratulations, long life, and many happy returns of the day, and all of the best to you and yours.

Mr. MORSE. Mr. President, I wish to extend to my friend from Illinois, EVERETT DIRKSEN, in behalf of myself and Mrs. Morse, our best wishes for many happy birthdays. I wish to say to EVERETT DIRKSEN that our association has been of many years standing. Although we have found ourselves on opposite sides on many issues, our personal friendship has always been a close one and one that I highly cherish.

Mr. LAUSCHE. Mr. President, I wish to join with other Senators in paying tribute to the distinguished minority leader [Mr. DIRKSEN] who yesterday celebrated his 65th birthday anniversary.

Recognizing his incomparable ability to present an issue lucidly and forcefully on the Senate floor and on the public platform; recognizing also his geniality and his ability to engage in vigorous debates without being offensive; recognizing also his natural proneness not to exhibit a martyrdom when he does not succeed in the advocacy of his cause; and recognizing other sterling qualities which he possesses, I direct my remarks to what I believe to be his monumental forte.

I have observed his conduct as minority leader for 2 years. I have watched carefully the course that he chose. I believe I can say with certainty that there is not a Member of the Senate who has so frequently advocated what he believed to be the right cause, although it was the unpopular cause. To support the right cause when it is unpopular requires strong character and great courage. To support the right cause, which is also the popular cause, is a simple undertaking in the performance of one's legislative duties.

In my opinion, not a single Member of the Senate, so frequently as the distinguished Senator from Illinois, has stood fearlessly and courageously in the advocacy of causes which he believed were right, even though he knew that they were politically unacceptable. The strength of our country politically must be rooted in that type of public service.

On this 65th anniversary of the birth of Senator DIRKSEN, I merely say to him that he can, with pride, look back upon his last year's service and that of the year before, knowing that he has not chosen the expedient course, but that he has tried to serve his fellow man in a manner which would insure the perpetuity of our country.

The distinguished junior Senator from Texas [Mr. BLAKLEY] joins with me in offering these congratulations to the distinguished junior Senator from Illinois [Mr. DIRKSEN].

INAUGURATION

The PRESIDING OFFICER (Mr. Moss in the chair). The Chair lays before the Senate House Concurrent Resolution 1, which the clerk will read.

The legislative clerk read the concurrent resolution (H. Con. Res. 1) as follows:

Resolved by the House of Representatives (the Senate concurring), That effective from January 3, 1961, the joint committee created by S. Con. Res. 92, of the Eighty-sixth Congress, to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1961, is hereby continued and for such purpose shall have the same power and authority as that conferred by such S. Con. Res. 92, of the Eighty-sixth Congress.

Mr. PASTORE. Mr. President, the concurrent resolution merely provides for the continuation of the joint committee to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States. I move the adoption of the concurrent resolution.

Mr. JAVITS. Mr. President, I should like to be heard upon that motion. I believe that under the rulings which have been made by the Chair action on the concurrent resolution would be the transaction of business and might very well prejudice the controversy which the Senate is having about the rules. At least, that is what the Chair has ruled. So I suggest to the movant that if he wishes to go forward with this matter at this particular time, at least the rights of the proponents of the motion which is the pending business may be protected.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. Do I correctly understand that action on the concurrent resolution would be considered business which would impede or interfere at all with the rights of the proponents of the motion to change the rules?

The PRESIDING OFFICER. The Chair rules that the concurrent resolution may be considered as a part of morning business under the exception, and will not affect the status of the Anderson resolution or prejudice its consideration under the rulings made by the Vice President.

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

Mr. PASTORE. I yield.

Mr. JAVITS. Does that include also the Humphrey-Kuchel resolution? The Chair mentioned only the Anderson resolution.

The PRESIDING OFFICER. The Chair includes all the pending resolutions which are in the same category.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 1) was considered and agreed to.

Mr. RUSSELL. Mr. President, I think the Senate should be apprised of the fact that we had another ruling, exactly opposite in effect, made by the distinguished Senator from New Hampshire [Mr. COTTON] on yesterday, when he was the occupant of the chair. Of course one can pay his money and take his choice, as regards those two rulings; and I have already said to the present distinguished occupant of the chair [Mr. Moss] that in the light of the fact that the Vice President of the United States has no hesitation in undertaking to declare one of the rules of the Senate unconstitutional, the present distinguished occupant of the chair, the Senator from Utah, might approach without trepidation the task of overruling the finding made yesterday by the distinguished Senator from New Hampshire [Mr. COTTON] when he was in the chair.

I do not know that the matter is quite that simple, however. It would have been in the old days when the Senate made its own rules, and before the Vice President could suggest rules and prescribe them for the guidance of the Senate. This is a complicated day. It may be that we should get a machine similar to one of those which was used at the political conventions and to establish election trends. I heard about them on the television—machines into which were fed certain samples of votes. Into the machines a certain percentage of votes were fed, and the machines would grind them for a while, and then would arrive at a prediction that the manufacturers of the instrument thought would be exactly correct. I have not pursued the matter far enough to know whether the machines justified these claims, but perhaps in this situation we should get a machine of this nature to make rules for the Senate. To me it would be as logical and proper to feed into such a machine copies of Robert's Rules of Order, Reed's Manual of Parliamentary Law, Vice President NIXON's prescription declaring one of the Senate rules unconstitutional, and five theses, from high school sophomores, on what should be the rules of the Senate, and let the machine work on them and finally roll out a result and adopt it as a rule as it would be to permit the Vice President to devise the rules and direct the procedures of this great body.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived; and morning business is closed.

Does the Senator from Georgia enter objection to the unanimous-consent request in regard to the resolution?

Mr. RUSSELL. Oh, Mr. President, I understand the resolution had been adopted.

The PRESIDING OFFICER. Very well; that was also the understanding of the Chair. But the Chair did not know whether he had cut off the Senator from Georgia.

Mr. RUSSELL. Oh, no; I would have unhesitatingly apprised the Chair of that, if he had. I was merely making an observation in the morning hour.

AMENDMENT OF THE CLOTURE RULE

The PRESIDING OFFICER. The question now is on the Humphrey-Kuchel substitute to Senate Resolution 4.

Mr. RUSSELL. Mr. President, let me ask how that got to be the pending business.

The PRESIDING OFFICER. It was the pending business; but the morning hour, by unanimous consent, intervened. The question now is on agreeing to the motion to take up the Anderson resolution, Senate Resolution 4, as modified.

Mr. RUSSELL. No, Mr. President; I respectfully challenge that ruling. The pending business is the motion to proceed to the consideration of that resolution.

The PRESIDING OFFICER. Yes, it is a motion to take up.

Mr. RUSSELL. Yes, a motion to proceed to the consideration of the resolution. The resolution is not yet the pending business.

Mr. ROBERTSON obtained the floor.

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

Mr. ROBERTSON. I yield.

Mr. DIRKSEN. I promised the Senator from Georgia that I would ask for a live quorum. Therefore, I now suggest the absence of a quorum.

BIRTHDAY CONGRATULATIONS TO SENATOR DIRKSEN

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I do not wish to embarrass the Senator from Illinois, but I wish to get in my two bits worth on the subject of the birthday of the distinguished minority leader.

Mr. DIRKSEN. Oh, I am sorry; then I withdraw the suggestion of the absence of a quorum. [Laughter.]

Mr. MANSFIELD. Mr. President, I am not sorry at all; I am delighted to have this opportunity to state publicly what I have said many times in private—that I think the Senator from Illinois is a distinguished leader of his party in this body. I have known him for almost two decades, in both the House and the Senate. I have a high regard for his integrity and his ability; and once he gives you his word, it is as good as gold—or, at least, as good as gold used to be. [Laughter.]

So, Mr. President, for me it is an honor and a privilege to participate with my colleagues on both sides of the aisle in paying tribute to one who served his district well while he was in the House of Representatives, and has served his State of Illinois well, and has served his party well, and has served his country well. On this momentous occasion, I extend to him my felicitations.

Mr. ROBERTSON. Mr. President, I wish to join in the tributes paid to our distinguished colleague, the Senator from Illinois [Mr. DIRKSEN]. I endorse all the things which other Senators already have said about him. I did not extend my remarks at that time, because I had planned to speak on another subject. I had yielded to the distinguished minority leader, who said he was going to suggest the absence of a quorum. I wish the record to show that the Senator from Illinois made that suggestion for the benefit of the Senator from Georgia [Mr. RUSSELL], not for the benefit of the next speaker. [Laughter.]

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield to me, if it is agreed that in yielding to me he will not lose his right to the floor?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Mr. President, I desire to join my colleagues in the Senate, those on both the Democratic and the Republican sides of the aisle, in expressing congratulations and best wishes to the able and distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN].

It was my pleasure first to meet EVERETT DIRKSEN when I was chief executive of my State. He came to Atlanta, Ga., after he had retired from the House of Representatives but before he was elected to the Senate to make a speech on public safety. That is not a very inspiring subject even for one who possesses the oratorical ability of the able and distinguished Senator from Illinois. But that evening I listened to him with amazement and was greatly impressed by the manner in which he was able to maintain the interest of the entire audience for the entire evening.

As a Member of the Senate I have come to know him much better and I know that he always knows what he is talking about. He does not speak idly, on the floor of the Senate or anywhere else. He speaks with great eloquence and erudition. He possesses one of the greatest oratorical talents of our country's history.

I desire to join with those who have congratulated him on his birthday; and I wish for him many, many more to come.

AMENDMENT OF THE CLOTURE RULE

Mr. ROBERTSON. Mr. President——

Mr. DIRKSEN. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. Yes, Mr. President; with the understanding that I shall not lose the floor, I now yield for the suggestion of the absence of a quorum.

Mr. DIRKSEN. Mr. President, with the understanding that the Senator from Virginia will not lose the floor because of yielding to me for this purpose, I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 3]

Aiken	Beall	Boggs
Allott	Bennett	Bridges
Anderson	Bible	Burdick
Bartlett	Blakley	Bush
Butler	Hayden	Morton
Byrd, Va.	Hickenlooper	Moss
Byrd, W. Va.	Hickey	Mundt
Cannon	Hill	Muskie
Carlson	Holland	Neuberger
Carroll	Hruska	Pastore
Case, N.J.	Humphrey	Pell
Case, S. Dak.	Jackson	Prouty
Chavez	Javits	Proxmire
Church	Johnston	Randolph
Clark	Jordan	Robertson
Cooper	Keating	Russell
Cotton	Kefauver	Saltonstall
Curtis	Kerr	Schoeppel
Dirksen	Kuchel	Scott
Dodd	Lausche	Smathers
Douglas	Long, Mo.	Smith, Mass.
Dworshak	Long, Hawaii	Smith, Maine
Eastland	Long, La.	Sparkman
Ellender	Magnuson	Stennis
Engle	Mansfield	Symington
Ervin	McCarthy	Talmadge
Fong	McClellan	Thurmond
Fulbright	McGee	Wiley
Goldwater	McNamara	Williams, N.J.
Gore	Metcalf	Williams, Del.
Gruening	Miller	Yarborough
Hart	Monroney	Young, N. Dak.
Hartke	Morse	Young, Ohio

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

The Senator from Virginia may proceed.

Mr. ROBERTSON. Mr. President, I am glad that the junior Senator from Arkansas had inserted in the RECORD this morning an article by a distinguished columnist, Mr. Walter Lippmann, which appeared today. Mr. Lippmann is a student of government, and is highly regarded in the Nation for his observations on governmental affairs. His article, published today, supported the position taken by the junior Senator from Virginia, and others, that rules which require more than a bare majority are very proper in the U.S. Senate.

Mr. President, I wish to speak briefly, not on the motion to take up the proposal to change the rule, but on the merits of what is involved in the proposal to change the rule to shut off debate. My contention is that no change in rule XXII is necessary.

In 1957 a number of proposals were made to change the rules. They followed the usual course, under the Reorganization Act, which provides that when a bill or resolution is introduced, it shall go to a committee. That is the language of the Reorganization Act. Those resolutions went to the Committee on Rules and Administration. There were 350 or 400 pages of testimony had on those proposed rule changes.

But the Congress did not see fit to go beyond the compromise which we provided 2 years ago—that the previous cloture rule, which had required a two-thirds vote of the entire membership, should be limited to two-thirds of those Senators present and voting.

History will show that no major legislation which our Nation really wanted has ever been prevented from passage by reason of too extended debate. Some who have felt that they were very correct in proposing something, impatient of any delay, have criticized the rules of the Senate, which give to all of us an opportunity to be heard. Seldom do we take advantage of such opportunities,

but I wish to read what Mr. Lippmann said concerning the necessity for that rule:

In my view it is important, indeed vital to our liberties, to preserve the principle that for great issues, for issues that affect deeply great regions or sections of the Nation, there should be required more than a simple majority. For we must never forget that majorities are not always liberal and that they may be quite tyrannical. It is, I have always thought, a short view of history to equate simple majority rule with the defense of the civil rights of Negroes. The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Mr. President, on January 4, 1957, the distinguished Vice President ruled that the Senate was not a continuing body; therefore, we met without any rules at all. Fortunately, last Tuesday he reversed that position and ruled that the Senate is a continuing body.

On January 8, 2 years ago, I spoke quite at length on the subject, to show that from the days of the presentation of the Constitution in the Federalist Papers throughout our history it has always been held that the Senate is a continuing body, and that there were two decisions of the U.S. circuit court of appeals holding that the Senate was a continuing body. In corollary cases involving boards which held over from year to year—as the Senate does, since only one-third of the Members are up for election every 2 years—the State courts ruled, as the Federal courts ruled, that those boards were continuing bodies.

I am glad it is not necessary now for me to argue, or for anybody who is opposed to changing the rules to argue, the fact that the Senate is a continuing body. If it is a continuing body, Mr. President, of course, the rules continue until they are changed in accordance with the way the rules are in the Senate.

I am sure Senators observed the ruling of the distinguished Vice President last Tuesday, when he said the Anderson motion to change the rules could not be considered that day because, under the rules of the Senate, when a motion is made to change the rules the Senate has to be given notice in writing for 1 day of the proposal to change the rules. The Anderson motion could only be construed as a motion to change the rules, which could not be, under the rules, acted upon until the next day.

I shall not go further into these various efforts to say that we have rules and that we do not have them, to say that the Senate under the Constitution has a right to fix its own rules and then to say that under the Constitution the Senate does not have the power to fix a rule which would prohibit a simple majority from doing whatever it pleased at any time it pleased.

All through our rules we have certain things which have to be observed. I have invited attention to the provisions of the Reorganization Act of 1946, which says, "bills and resolutions shall be referred."

One cannot get together a simple majority, have a Member introduce a bill and send it to the desk, and have a majority vote to say, "We will vote on the bill today." No. Under the rules of the Senate the bill has to go to a committee. If one obtains unanimous consent, that is something else, but if there is one objection there is a rule which must be followed, and the bill must go to a committee.

We find that all through the rules.

What I wish to discuss today primarily is that the rule providing for a two-thirds majority of those Senators present and voting in order to shut off and close debate is very necessary, in keeping with the fundamental purposes of the Senate, which was created by the Founding Fathers as a brake upon hasty and perhaps ill-advised action by the House of Representatives.

As I have indicated, Mr. President, since it is now agreed that the Senate is a continuing body—we, of course, contend if it is a continuing body all of the rules are in effect, and not all of the rules except rule XXII—we then come down to two questions. First, there is the question of whether, even if the Senate is a continuing body and its rules carry over to the next Congress, the rules applying to amendments to rules nevertheless do not carry over. Second, there is the question whether as a matter of substance the Senate rules should be amended to permit cloture by less than is provided in the present rule, two-thirds of those Senators present and voting.

Mr. President, the constitutional issue is not too easy to grasp. Paragraph 2 of section 5 of article I provides:

Each House may determine the Rules of its Proceeding, punish its Members for disorderly Behavior, and, with the concurrence of two thirds, expel a Member.

As our distinguished leader from Georgia [Mr. RUSSELL] has repeatedly pointed out, that constitutional provision gives us absolute power—absolute power—to determine our own rules. No court can take it away from us. No Presiding Officer can take it away from us. We have the power to do this, and we have exercised it in numerous ways throughout our book of rules, laid down first by that great Virginian, Thomas Jefferson, when, as Vice President and Presiding Officer, he felt it necessary to formulate some rules for the guidance of this distinguished body. We have had them ever since. Whenever we wish to amend them, we can amend them. We can provide in those instances other than when the Constitution requires a two-thirds majority—for the ratification of treaties, the impeachment of Members, and so forth—that a majority can do anything it pleases, if that is what we wish to do.

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

Mr. ROBERTSON. I am glad to yield to my colleague from Georgia.

Mr. TALMADGE. I desire first to read a provision of the Constitution. The Senator may have quoted it already, but for the purpose of emphasis I shall read it again as a preface to my question. I read from the Constitution, article I, section 5, as found on page 506 of the Rules and Manual, U.S. Senate:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the concurrence of two thirds, expel a Member.

I ask the Senator from Virginia whether we have not made our rules pursuant to that provision of the Constitution?

Mr. ROBERTSON. We have; and we have said that when it comes to ending debate, it cannot be done by a simple majority, but we must have a majority of two-thirds of those present and voting.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Does not that constitutional authority give the Senate power to make any rule it sees fit?

Mr. ROBERTSON. Absolutely, except where the Constitution provides that we cannot ratify a treaty with less than two-thirds or we cannot impeach a Member with less than two-thirds.

Mr. TALMADGE. In other words, if a proposed rule is not in conflict with the Constitution, it is not unconstitutional?

Mr. ROBERTSON. We can make any rule we please.

Mr. TALMADGE. Is there any way in which the Senate could make an unconstitutional rule unless it conflicted with some provision of the Constitution?

Mr. ROBERTSON. The Senator from Virginia has already pointed out that no court could take away that privilege from us and no Presiding Officer could take away that privilege from us. The Constitution gives the privilege absolutely to the Senate.

Mr. TALMADGE. Under that power the Senate could make any sort of rule it saw fit, no matter how ridiculous it might be, and it would still be constitutional, would it not?

Mr. ROBERTSON. Absolutely.

Mr. TALMADGE. If the Senate decided to meet every morning at 3:39 a.m. in bathing suits, would it not be constitutional?

Mr. ROBERTSON. It would be a little difficult, but it would be constitutional.

Mr. TALMADGE. It might be unreasonable but it would be constitutional, would it not?

Mr. ROBERTSON. Absolutely.

Mr. TALMADGE. In fact, any rule which the Senate made subject to the Constitution would be constitutional, would it not?

Mr. ROBERTSON. Absolutely.

Mr. TALMADGE. Does the Senator from Virginia understand that even a lameduck Presiding Officer cannot prescribe what is and is not a constitutional rule of the Senate?

Mr. ROBERTSON. I should like to echo that view.

Mr. TALMADGE. I commend the Senator for his brilliant speech. His view is my view of the Constitution of the United States. It is not only my view, but it is the words of the Constitution of the United States, and I will not surrender to any Presiding Officer, Democratic or Republican, whether he may be

the Vice President of the United States or the most recent freshman Member of this body, the power to write rules of the U.S. Senate when the Constitution gives that power to this body.

Mr. ROBERTSON. My colleague is absolutely correct. I agree with him 100 percent. I share the hope of our distinguished majority leader, with all due deference to our eloquent and distinguished whip, and to the distinguished Senator from New Mexico [Mr. ANDERSON], who offered the first amendment, that we will not be plunged into a filibuster over a change in the rules for which there is no necessity. In any event, we could change the rules later in the session as we have always had the right to do in the past.

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

Mr. ROBERTSON. I yield.

Mr. HUMPHREY. I assure the Senator that if he wishes to filibuster, all we have to do is to vote on the proposed rule changes. A filibuster is an act of volition. It is not an act of God or even an act of the Senate. We can prevent a filibuster by coming to an agreement on time, as to how much time we ought to consume in discussing these particular measures. The desire of the Senator from Minnesota—and I believe I speak for the Senator from New Mexico [Mr. ANDERSON] on this subject—is merely that the Senate shall exercise its powers in designing its rules.

Mr. ROBERTSON. The Senator from Virginia has already pointed out that we can do many things by unanimous consent, but it is unique in the formation of the United States that not only does every State have an equal voice here—Arizona has as big a voice as does New York or Texas—but there are only two Senators from each of these States who can speak for those States. It is their sworn duty to do so, and they cannot sit idly by if they think the rights of those States are being sold down the river, and say, "We do not want to delay procedures. We are going to be friendly and cooperative. We are not going to take advantage of the rules of the Senate that permit us to debate these issues. We are not going to carry out our sworn obligation to stand up for the right of our States. We are going to yield to Members from other States, who have a different political philosophy, who think they see a good which we think is a harm." We should not say, "We are going to be agreeable. We will not debate."

Mr. President, we may call it what we please, but southern Senators feel very deeply that the keystone of the arch of the Federal Government was the union of sovereign States, and that therefore our most precious constitutional right is the one that is spelled out in the 10th amendment, that all powers which are not delegated to the Central Government remain with the States or the people thereof.

Therefore, when we feel that the sovereign rights of our States are being nullified and trampled upon, it is our sworn duty to sit here and fight as long as we possibly can.

Does the Senator from Minnesota challenge that statement?

Mr. HUMPHREY. I do not challenge it.

Mr. ROBERTSON. The Senator from Virginia has heard the Senator from Minnesota make eloquent speeches for the rights of Minnesota, and some of the speeches have not been so short.

Mr. HUMPHREY. I assure the Senator that I am very much in the same frame of mind as is the Senator from Virginia. The rules of the Senate are intended to be used. They are intended to be used for the causes in which one believes. I have never been personally critical in the sense of any derogation of my colleagues as they use the rules of the Senate to protect what they believe are their rights, the rights of their people and the rights of the States they represent. My only point is that if during those discussions a majority of our colleagues—and a majority can change the rules of the Senate, as has been indicated—wish to modify the rules of the Senate, I should like the privilege of making my presentation as to the modifications I think are desirable. That is what the debate is about.

I have long been one of the admirers of the Senator from Virginia on many issues, and I believe that some of the greatest work in the Senate has been performed by Senators who come from what is called the southern part of the United States. So far as I am personally concerned, I do not think in terms of South, North, East or West. Frankly, I think every part of this country is a great part of America and is well represented in the Senate. The Southern States are represented in the Senate by Senators of their choice.

I commend the Senator on the vigor of his argument. I commend him on the willingness he exhibits to press this argument, and I assure him that while some of us may hold different views, those views will never be abusive, and we will attempt to find a reconciliation of those views.

Mr. ROBERTSON. I appreciate that attitude. The Senator from Virginia was trying to make clear that we feel a great constitutional question is involved. We feel that a very fundamental right of our sovereign States is involved here which we cannot compromise, and we cannot grant away simply to facilitate consideration of what might be called a program of new frontiers for new legislation facing our Nation in a critical time. If there are those who insist, at the start of the session, on treating this body as no longer a continuing body, or who rely upon some ruling of the Chair which we feel is absolutely without any foundation in law, the Constitution, or any known rules, then they must not criticize us if we insist upon trying to protect the rights of our constituents, even though we are in a great crisis.

We face such a crisis. Make no mistake about it. We face a crisis abroad in at least five places in the world where war could break out at any moment. We face it in the fiscal affairs of the Nation. Without any new spending schemes, we are told the deficit of our National Government in the fiscal year 1962 will be $7 billion. We know that there is nearly a $20 billion demand against $18,200,000 in our supply of gold. We must prevent inflation at home. We have to take steps to meet the threat of communism in the various parts of the world.

Mr. SMATHERS. I thank the Senator for yielding. I merely wish to ask him this question. Has it not been stated by the newly elected President and by the newly elected Vice President that the legislative program which they have enunciated, and which is embodied in the New Frontier program, has to do with a depressed-area bill, a bill for the medical care of the aged, a bill involving minimum wage, a bill involving housing programs, and a bill for school construction? My point is this: Is it not a fact that every one of those programs which the newly elected President has said he must have has been already fully debated on the floor of the Senate, under existing rules?

Mr. ROBERTSON. There is no question about it. They were debated under existing rules. Some of them have been fully debated. We have already passed the school construction bill. Of course that was hung up in conference. Medical care was passed in modified form. All those measures were debated under the present rules.

Mr. SMATHERS. Is it not logical to assume that in order to get the so-called administration program through there is no need for any change of the rules?

Mr. ROBERTSON. Absolutely not. The Senator is absolutely right about that. There is nothing in the so-called crash program that requires it, unless it be an FEPC bill, and that will not go through anyway.

Mr. SMATHERS. That has not, so far, been made a part of the announced program embodying the New Frontier.

Mr. ROBERTSON. I do not expect it to be announced as a part of it until we have acted on the other matters, because if and when that is announced, it will start a real fight.

Mr. SMATHERS. In bringing this particular debate up at this time, all that it seems to do is to accentuate the differences within the Democratic Party, and regrettably so, and makes it even more difficult to pass the program which the newly elected President wants to have passed. Is that not correct?

Mr. ROBERTSON. My friend from Florida is speaking for the leadership. I concur in what he has said. The leadership has appealed to the majority: "Let us postpone until the regular order proposals to change the rules. Let them go over, as they did in 1957; let them go to the Rules Committee, where testimony can be taken. Let us get ahead with the urgent legislative program that we need to deal with the problems that face the Nation." That is what the leadership has asked us to do.

Mr. SMATHERS. I must say that I speak only for the junior Senator from Florida.

Mr. ROBERTSON. Well, the Senator from Florida is one of our leaders.

Mr. SMATHERS. But in this particular matter I must in all candor say I

speak only for myself. There are other leaders who have other views about it. My own judgment is that if we are interested in getting the program through for the newly elected President, the program which he has announced, it will not facilitate our doing so or it will not help us by engaging in the move that is being made to change the rules.

Mr. ROBERTSON. The Senator is correct, of course, and I wholeheartedly agree with him, even though I would not settle the issue on that basis. I would fight this on principle. The Senator is also saying that from the standpoint of what is the real business of the Nation, from the standpoint of the 6 million unemployed in our country, and from the standpoint of the stagnation of our gross national product it is better for our Nation that we not engage in this action, even though some Senators may feel the rules are absolutely wrong. The rules are not needed for this development program. Let the development program get underway. Then if Senators wish to break in on the session, let them break in with a proposal to change the rules, and indicate why they believe the rules should be changed.

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

Mr. ROBERTSON. I yield.

Mr. ANDERSON. I was interested in the statement a moment ago about the desires of the leadership. Has the leadership issued a statement on any of these resolutions?

Mr. ROBERTSON. It has to me.

Mr. ANDERSON. It has to the Senator?

Mr. ROBERTSON. Yes.

Mr. ANDERSON. Will the Senator get such statement in written form, so that it may be placed in the RECORD at this time?

Mr. ROBERTSON. We unanimously named the Senator from Montana [Mr. MANSFIELD] as the majority leader. Is that not leadership?

Mr. ANDERSON. Has he issued a statement with reference to any one of these resolutions?

Mr. ROBERTSON. He said he wanted to lay the motion of the Senator from New Mexico and other motions on the table, and get ahead with the business of the Senate, because he did not want to take up weeks of this first session to debate the changing of the rules, when the rules are not necessary to be changed for the enactment of the program he wanted to put through.

Mr. ANDERSON. Was that a private communication to the Senator from Virginia?

Mr. ROBERTSON. It was private.

Mr. ANDERSON. Does not the Senator from Virginia believe that an important statement of that nature ought to be made public by the majority leader himself?

Mr. ROBERTSON. He told me he would make a motion to table. How much more public can that be?

Mr. ANDERSON. He is trying to get it disposed of expeditiously. He is opposed, naturally, to long-winded discussions.

Mr. ROBERTSON. The Senator from Virginia does not speak for the leadership in any way. He is a southern conservative who has been out of touch with many things that have been done. He is in sympathy with what he understands to be the leadership program not to change the rules of the Senate before we have acted on our legislative program. The Senator from Virginia cannot say what the majority leader will say publicly, but the Senator from Virginia understood, from private conversations, that the majority leader would prefer that we postpone action on the proposals of the Senator from New Mexico and other Senators, and that he intends at the appropriate time to move to lay those proposals on the table.

Mr. ANDERSON. I assure the Senator from Virginia that I understand the procedure very well, because three times a similar motion of mine has been subject to a motion to table; once by the Senator from Ohio, Mr. Taft, and twice by our former majority leader, the Senator from Texas, Mr. Johnson. Has the Senator from Virginia ever seen any one of those proposed rules emerge from committee for action in the Senate? In all the years he has been here, has he ever seen one of them emerge from committee?

Mr. ROBERTSON. Two years ago we changed the rule to provide for two-thirds of those present and voting instead of two-thirds of the elected membership.

Mr. ANDERSON. What did the Senator from Virginia do on that occasion? Did the Senator from Virginia oppose the change, or did he want the proposal to go to the Rules Committee?

Mr. ROBERTSON. To the Rules Committee.

Mr. ANDERSON. The Senator from Virginia voted for the Johnson motion to change the rules.

Mr. ROBERTSON. Oh, well——

Mr. ANDERSON. Why did the Senator do that? Why did he not stand on his constitutional rights?

Mr. ROBERTSON. That proposal was better than the one the Senator from New Mexico was trying to put through.

Mr. ANDERSON. Why did not the Senator from Virginia stand on his constitutional rights?

Mr. ROBERTSON. We did not want to be put in the position of making a long fight, when the Senator from Texas offered us a much better proposition than the Senator from New Mexico offered us, or what was offered on the other side.

Mr. ANDERSON. Then it is not a question of principle; it is a question of who offers the best proposal. Is that it?

Mr. ROBERTSON. We effected a compromise without a difference, because experience has shown that no cloture vote would have been different whether it was by two-thirds of those elected or two-thirds of those present and voting. If those who advocated the change in the rules thought they were winning a victory, we were willing to claim a victory, because we knew we had not lost anything.

Mr. ANDERSON. Then those who announced the great victory were hypocritical. Is that correct?

Mr. ROBERTSON. I did not say anything about hypocrisy.

Mr. ANDERSON. The Senator said it was a victory without a difference.

Mr. ROBERTSON. That is from my standpoint. That is as I see it. I said the Senator had not won anything from our standpoint, because I checked the records on various rollcall votes, and I saw that nothing would have been changed under a cloture motion.

Mr. ANDERSON. I agree that it did not accomplish anything. Does not the Constitution provide that each House shall have the right to set up its own procedures?

Mr. ROBERTSON. As the Senator from Georgia [Mr. TALMADGE] has said, the Constitution provides that each House may set up its own procedures.

Mr. ANDERSON. I heard the Senator from Georgia say that any rule the Senate adopted would be constitutional. Suppose the Senate said that the Senators from Virginia may vote three times on the same question, and that Senators from the other States may vote only once.

Mr. ROBERTSON. The Senator from Georgia did not say that. He said that we can make any rule provided it is not in conflict with the Constitution. He did not go to the extreme which the Senator has suggested.

Mr. ANDERSON. It would be interesting to examine the transcript of what has been said.

Mr. TALMADGE. If the Senator from Virginia will yield, I would like to say that the Senator from Virginia has stated the position of the Senator from Georgia correctly. Of course, the Constitution of the United States grants to each House of Congress the right to make its own rules. Any rule the Senate makes which does not conflict with any provision of the Constitution of the United States is constitutional. The Senate has made its rules. Those rules have been in effect, as amended from time to time, for many years. I believe the last time they were recodified in their entirety was in 1884. In the last Congress, as the Senator from New Mexico and the Senator from Virginia well know, we amended our rules, and reduced the requirement for cloture from two-thirds of the Senators chosen and sworn to two-thirds of those present and voting. Furthermore, we inserted the provision that all the rules would remain in force and effect until changed by the Senate in accordance with its rules.

If they are not the rules of the Senate, I do not know what are. They are clear. There is no argument about it. There is no ambiguity about it. No Presiding Officer, no court, or no one else can say that these rules were not approved.

Mr. ROBERTSON. Does not that carry out the constitutional provision for each State to have two Senators?

Mr. TALMADGE. It does.

Mr. ROBERTSON. Then, in answer to the question, if the Senate undertook to say that one State could cast three votes, that would be in violation of the Constitution, which limits each State to two Senators.

Mr. TALMADGE. Of course it would.

Mr. ANDERSON. The Senator from Virginia served for a long time in the House of Representatives, and served very adequately. Does the House of Representatives adopt its own rules at each session?

Mr. ROBERTSON. It is very interesting to note how we get organized. Here is what the CONGRESSIONAL RECORD for Tuesday, January 3, 1961, states——

Mr. BUTLER. Mr. President, will the Senator yield for a moment?

Mr. ROBERTSON. Let me quote what I was about to read:

> The 3d day of January being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the 1st session of the 87th Congress commenced this day.
>
> The Senate assembled in its Chamber at the Capitol.
>
> RICHARD M. NIXON, of California, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

Now I quote from the proceedings of the House:

> This being the day fixed by the 20th amendment of the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the House of Representatives of the 87th Congress met in their Hall, and at 12 o'clock noon were called to order by the Clerk of the House of Representatives, Hon. Ralph R. Roberts.

They were Members-elect of the House. They had not been sworn in. They had no rules. They had no status except that they had been certified to be Members of the 87th Congress. All of them stood up together—Democrats and Republicans alike—and took the oath of office.

Does not the Senator from New Mexico remember that when he was a Member of the House he stood up and took the oath?

Mr. ANDERSON. Oh, I do, very well.

Mr. ROBERTSON. To support and uphold the Constitution? Was not that what we said?

Mr. ANDERSON. That is correct.

Mr. ROBERTSON. Sometimes we forget that that is what we said.

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

Mr. ROBERTSON. I yield.

Mr. BUTLER. I should like to read from section 3 of article I of the Constitution:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature—

And to that phrase I shall refer later—

> thereof, for six Years; and each Senator shall have one Vote.

Mr. ROBERTSON. It was the intention that each State should have but two votes in the Senate.

Mr. BUTLER. The first sentence of the 17th amendment reads:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote.

So it is perfectly clear that any rule of the Senate which provided that Virginia should have three votes and Maryland but one would be completely unconstitutional.

Mr. ROBERTSON. I remember a statement by my distinguished predecessor. Incidentally, since we have been speaking about the birthday of the distinguished minority leader, I may say that January 4 was also the birthday of my predecessor, Senator Carter Glass. He was a great man. He used to say that if the States were ever allowed to have three Senators, he hoped CARL HAYDEN would be the third one from Virginia.

Mr. ANDERSON. The Senator believes we ought to live up to that part of the Constitution which provides that each Senator shall have one vote. Why does he not believe in that part of the Constitution which provides that each Chamber has the right to adopt its own rules? That was the statement by the Vice President the other day. What is wrong with that? Why does not the Senator from Virginia accept all parts of the Constitution?

Mr. ROBERTSON. I do accept all parts of the Constitution.

Mr. ANDERSON. Oh, no; the Senator from Virginia does not want to have the Senate to have the right to adopt its own rules.

Mr. ROBERTSON. Oh, no.

Mr. ANDERSON. Oh, yes.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Has not the Senate made its rules?

Mr. ROBERTSON. Of course it has.

Mr. ANDERSON. No; it has not.

Mr. ROBERTSON. We made them years ago and again 2 years ago. We are a continuing body. When the Senator from New Mexico and I were sworn in, two-thirds of the Members of the Senate were not sworn in. By what authority did the Senate start to operate? Those Senators who were not sworn in had no status, then, if the Senate was not a continuing body.

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

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. I understand that while I was out of the Chamber, a statement was made that I planned to move to table the resolution at the proper time. I did not know that I was going to move to table these resolutions, but I can say that I am sure that some Member of the Senate will move to table them at the proper time. I simply wanted the record to be clear.

Mr. ROBERTSON. The Senator from Virginia will accept, of course, that misunderstanding of that part of the statement; but the Senator from Virginia said he could not speak for the leadership. We had unanimously elected the Senator from Montana [Mr. MANSFIELD] to be our leader; and I understood that our leader wanted to end this debate and proceed with the business of general legislation, which does not involve any rule change at all. Is not that correct?

Mr. MANSFIELD. The Senator from Virginia is correct in what he has just said. It is the hope of the leadership that we may conclude the debate on these resolutions within a reasonable period of time and then to proceed with the business of the program of the President-elect.

Mr. ROBERTSON. But we propose to do it under the rules; and I presume that at an appropriate time some Senator will move to lay the whole business on the table.

Mr. MANSFIELD. That is my assumption.

Mr. ROBERTSON. Then we understand each other.

Mr. ANDERSON. Oh, yes; definitely we understand each other. I was only trying to point out to the able Senator from Virginia that if he is willing to take one section of the Constitution, then probably all sections are all right, and the Senate might adopt its rules of procedure by a majority vote. The argument is made, for instance, that the ruling of the Vice President was not sound when he said that that could be done by majority vote.

Mr. ROBERTSON. I do not agree with the construction the Senator from New Mexico places on the Constitution. I pointed out that we have rules; and if they are to be changed, they ought to be changed in accordance with the rules.

The point I wish to emphasize, a point I thought the distinguished Senator from New Mexico was trying to make clear, was that the leadership had taken no position against him.

Mr. ANDERSON. Oh, no.

Mr. ROBERTSON. The leadership does not want the Senator's motion adopted right now.

Mr. ANDERSON. I told the Senator I was case hardened to this procedure, having been through it three times.

The paragraph in the Constitution which relates to this rule reads:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

If the writers of the Constitution had wanted to have a two-thirds vote on the changing of the rules, why did they not apply it to the whole section? Why did they apply it simply to the expulsion of a Member?

Mr. ROBERTSON. Because one of the virtues of the Constitution is that its drafters never went into details except where it was absolutely necessary. There was no restriction with respect to details. There is nothing in the Constitution which prohibits agreements by the Senate on a rule requiring more than a majority of a quorum.

So far as the House is concerned, where the previous question can be moved, where there is clearly majority rule all the time, they provide for the two-thirds rule on the expulsion of Members. But there is no further prohibition on the Senate with respect to a two-thirds vote on anything except as provided with respect to the ratification of treaties.

Mr. ANDERSON. Did the Senate of the United States ever have the right to move the previous question?

Mr. ROBERTSON. Not that I can recall.

Mr. ANDERSON. The Senator had better look up his history. I think he will find that it did have such a right.

Mr. RUSSELL. There is no question that in the First Congress the Senate had a rule on moving the previous question.

Mr. ANDERSON. And later than that.

Mr. RUSSELL. Perhaps through the Second Congress, too, they had the rule on the previous question. However, the motion for the previous question itself was debatable, so it did not matter. The Journals show that when the previous question was moved, Senators continued to speak, addressing themselves to the previous question, rather than to the main issue, before the previous question was moved. There was a previous question rule, but it was wholly different from the previous question as applied in the national House of Representatives.

Mr. BUTLER. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BUTLER. Was not the previous question rule debated on this very floor and stricken out of the rules, and a new rule put in its place?

Mr. RUSSELL. Of course it was, because it was an anachronism. The previous question rule in the old British Parliament was a convenient way of disposing of a measure without actually passing on it on its merits—very much like a motion to lay on the table, here in the Senate. But in the British Parliament it was not a means for debate. It was a vehicle for laying aside a measure, when they refused to put the main question.

Mr. ROBERTSON. That is what I had in mind. Of course, it was specifically taken out, I understand, in 1806, only a few years after our Government was established.

But there never was any real restriction on debate in the Senate, as there was in the House; and the necessity for that is pointed out in numerous articles in the Federalist papers—that the House was restricted, but the Senate was not. The Senate was to be a deliberative body and a continuing body. It should act in a restrained way. Its Members were to be elected by the State legislatures, and the Senate was to be a somewhat more conservative body than a body composed of members who perhaps would be proceeding under the stress of temporary passions. As I have said, the Senate was to be a continuing body and was to function continuously.

Mr. BUTLER. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. BUTLER. And, most important, each State—regardless of size, wealth, or population—was given equal representation in the Senate.

Mr. ROBERTSON. Absolutely.

Mr. BUTLER. But if this rule is repealed, the States will lose the protection of that arrangement.

Mr. ROBERTSON. Yes.

As I recall, and as the Senator from Georgia said, the Senate after 1806 did not have any previous question rule and did not have any cloture rule until one was proposed in 1917. That situation arose over the question of arming the merchant ships. That question arose during the short session which ended in March. The proposal to have a cloture rule was referred to the Senate committee headed by Senator Martin of Virginia, and then he got out a cloture rule. It was very much more liberal than the one we now have. But the bill to arm the merchant ships went through, anyway.

Mr. ANDERSON. I think that was on a motion by Senator Walsh of Montana. The Senator from Virginia wishes to claim credit for a fellow Virginian; but the motion was made by a Senator from the West. Senator Walsh of Montana made a motion identical to the one I have tried to make twice in this body—that the Senate proceed to make its rules. He may not have been a great constitutional lawyer, but the Senate finally agreed with him.

Mr. RUSSELL. But the Senate referred that to a committee, and the committee reported the cloture rule. Senator Walsh of Montana moved—just as the Senator from New Mexico has—that the Senate proceed to consider its rules; and the motion was referred to a committee which was headed by Senator Martin of Virginia. And that committee brought in the cloture rule. I do not have the records before me, but that is what actually transpired.

Mr. ANDERSON. Yes; I agree.

Mr. RUSSELL. That situation grew out of the bill to arm the merchant ships.

Mr. ROBERTSON. As a result of that procedure, the chairman of that committee, Senator Martin, was given credit for that rule.

Mr. RUSSELL. The motion originated with Senator Walsh of Montana; and Senator Martin was the chairman of the committee which wrote the rule. That is what actually happened. It grew out of the ship-arming bill debate. That illustrates the shortcuts that people so often take. That was perhaps one of the worst abuses of the right of unlimited debate that the Senate has ever seen. But after the rule had been adopted, and after the Congress had adjourned, it was discovered that it never gave the authority that was sought in the first place. In other words, that was a sham battle over nothing. The President went ahead and armed the ships without such a law; he did that under his general powers. So that suggestion was just like the strawman that is being put up here.

What proposed legislation is now before us?

Mr. ROBERTSON. None.

Mr. RUSSELL. What proposed legislation is being defeated at this time?

Mr. ROBERTSON. None.

Mr. RUSSELL. This is just a procedure to hold up the normal procedures of the Senate.

Mr. ROBERTSON. And, as the Senator from Florida has pointed out, no proposed legislation at all is involved in this rules fight, which is only holding up our normal procedure.

Mr. ANDERSON. But the Senator from Virginia says this is holding up something. Is it holding up something or is it not?

Mr. ROBERTSON. We are being delayed and harassed.

Mr. ANDERSON. But what is being held up?

Mr. RUSSELL. What the Senator from Virginia recognizes—and of course the Senator from New Mexico understands the implication—is that the normal course of legislation is being delayed and endangered by the failure of the Senate to have an opportunity to proceed. This controversy has been generated over the fictitious issue of civil rights. Those of us who oppose this proposal could not stop the enactment of civil rights legislation before, under the existing rules, as is well known. We could not stop it last year or in 1957; we simply did not have the votes.

This situation grows out of an attempt to take advantage of an existing majority, in an effort to enact legislation much more far reaching than any enacted in previous sessions.

Mr. ROBERTSON. That is correct. First of all, no proposed legislation the Nation ever wanted has ever been held up by the cloture rule. In the second place, no part of the program now pending will be held up by rule XXII, which the Senator from New Mexico is so anxious to change. Therefore, this matter is not the first and most urgent piece of business before the Congress, and it should be postponed, and should take its regular course—in other words, it should be referred to the proper committee.

Mr. ANDERSON. What would the regular course be?

Mr. ROBERTSON. To submit a resolution, as was done in 1957, and then have it referred to a committee which will report it to the Senate.

Mr. ANDERSON. By what procedure?

Mr. ROBERTSON. By majority vote.

Mr. ANDERSON. Oh, no; there was no majority vote. The policy committee would not report it. That situation continued for months.

Mr. RUSSELL. And now it is proposed to stifle the freedom of debate in the Senate just because one of the agencies of the Senate, the policy committee, is charged with some wrongdoing.

Mr. ROBERTSON. That is correct.

Mr. RUSSELL. In other words, if a patient has a case of colic, inoculate him for smallpox. [Laughter.]

Mr. ROBERTSON. Mr. President, I agreed to defer until the senior Senator from New York got some lunch—but not for this long. I said I would not speak for more than 20 minutes. My prepared remarks would not have taken longer than that, although I have been glad to have my colleagues interested enough to ask questions.

Mr. President, I should like now to turn to the substantive merits of the case, the argument that the present provisions of rule XXII should be amended and something less than two-thirds of those present and voting be permitted to end debate in the Senate.

The preamble to the Constitution of the United States of America makes it clear that the members of the Constitutional Convention and the members of the ratifying conventions were aware of the basic problem of government. Government must be strong enough to pre-

serve itself and to carry out its decisions. But the government must be so designed that it will not become a tyranny. The Founding Fathers were just as anxious to secure the blessings of liberty to themselves and their posterity as they were to form a more perfect union or to provide for the common defense.

The importance given to the blessings of liberty is shown by the demands of the ratifying conventions for amendments as a condition to ratification, a demand which was promptly met by the adoption of the first 10 amendments containing the Bill of Rights.

The members of the Constitutional Convention were well aware of the danger that government may become tyranny. James Madison in No. 51 of the Federalist, speaking particularly of the division of the Central Government into three departments, expressed this problem vividly.

It may be—

He said—

a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the Government; but experience has taught mankind the necessity of auxiliary precautions.

The framers of the Constitution adopted two constitutional principles to provide a proper balance between government and the individual, to insure that the government they were creating would be in fact a government of laws and not of men and would in fact be the servant and not the master of the individual.

The first of these principles is the principle of federalism. The States which sent representatives to the Constitutional Convention and which ratified the Constitution continued as sovereign States of the United States and became integral and essential parts of the new United States of America, as such. The new Federal Government, which acted directly upon the individual citizen in many situations, was a government of limited powers, and the States and the people reserved all powers not enumerated.

The second of these principles embodied in the Constitution of the United States is the separation of powers between the legislative, executive, and judicial branches of the Government, each coordinate with and equal to each of the others but not entirely independent of them.

The Senate was created as an integral part of this framework of government. The Senate is an essential part of the compromise effected between the large and the small States in the Constitutional Convention which had to be reached in order to bring about agreement on and ratification of the Constitution. Only in the Senate are the States themselves directly represented. But this direct representation of the States themselves is a fundamental part of the old federal system of government which has made it possible for our Government to continue so long, preserving at least a reasonable degree of balance between the rights and privileges of the individual and the Government.

It has not been an easy or a simple task to keep the Government powerful enough to survive, but not so powerful that the rights and the liberty of individuals are lost. The United States today includes a tremendous area and a very wide variety of soils, climates, and physical resources. This diversity was greatly increased by the admission of Alaska and Hawaii to statehood. The United States contains people of widely different interests and abilities. Some of these variations have been lessened by improvements in transportation, communications, and education, but there are still wide differences in the characteristics of our geography, our economy, and our people, not least by reason of their differing abilities and interests.

In No. 10 of the Federalist, Madison gave particular emphasis to this as the source of differing interests and parties, or factions, as he called them.

As long as the reason of man continues fallible, and he is at liberty to exercise it—

Said Madison—

different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The representative Federal Government which the Constitutional Convention devised gave a reasonable opportunity for each of these many and varied interests to have a hearing for their point of view, an apportunity to make their views known, before legislation might be enacted. It also permitted diversity of local legislation to suit the particular needs of a particular area. It permitted these local areas to experiment with legislation, without necessarily subjecting the entire country to legislation which might prove unworkable.

This complex representative Federal Government is the antithesis of the simple democracy where all issues would be resolved by the majority vote of all citizens, such as, for example, the old Greek city-states and the New England town meetings.

The men who wrote the Constitution were firmly convinced that the will of the people was the only "legitimate foundation of any government," as Jefferson said. This view was reflected in the Declaration of Independence. But they did not think that the only or the best way to ascertain the will of the people was to conduct a referendum on every issue, or to resolve all issues by a simple majority vote.

In the first place, they were well aware that the majority might, as was said in the Federalist, "Yield to the impulse of sudden and violent passions" or "be seduced by factious leaders into intemperate and pernicious resolutions."

In addition, they were well aware that under a representative form of government, the elected official is not always able to tell what the wishes of a majority of his constituents may be on any particular issue at any particular time, and they were well aware that an elected official may act in the long-run interests of his constituents by voting contrary to what he may think his constituents' wishes are at the moment.

It is by no means an easy thing to tell what are the wishes of a district or a State on any particular issue at any particular time. On many issues, a large part of the people of a district or State, perhaps even a majority, know little and care less. On many issues, the dispute is between a small minority on one side and a small minority on the other, with perhaps the majority completely uninterested. On some issues a small but vociferous minority on one side may be opposed to a far larger but less vociferous group, which may in fact be the majority.

In speaking of the wishes of a district or State, in a representative government, it is necessary to bear in mind that there are almost always differing points of view in the district or State, and it is necessary to distinguish between vociferous minorities who may have the balance of power in the district or State and the best interests of the district or State and the best interests of the country as a whole.

It is not always wrong, of course, for a Senator or Congressman to give greater weight to the views of a vociferous minority, even though a less vitally interested majority may disagree. Politicians, and statesmen too, must take into consideration intensity of feeling, as well as numbers. For instance, if a particular action means little or nothing to the majority, but it will put out of business or do great violence to a small minority, it can be expected that their voices will be heard more loudly than those of the relatively disinterested majority. In such a case, I think a Senator or Congressman might well support the minority, but I would hope he would recognize that he was speaking for a minority, and trying to protect it against the majority. I would hope he could refrain from appearing to speak for a majority. And I would hope he would have enough charity, enough tolerance, enough of a spirit of amity, and that mutual deference and concession which the peculiarity of a political situation rendered indispensable to recognize the rights, and the views and opinions and feelings, of other minorities when their spokesmen presented their point of view.

I would urge that Senators bear in mind Judge Learned Hand's warning, in his speech on the Sources of Tolerance, that the greatest danger of the political life of a country like ours is "the disposition to take the immediate for the eternal, to press the advantage of present numbers to the full, to ignore dissenters and regard them as heretics."

The privilege of free and unlimited debate in the Senate is an integral part of the protection provided by the Constitution for the minority, like the Bill of Rights or the prohibition against bills of attainder and ex post facto laws.

Rule 22 now permits the limitation of debate with the approval of two-thirds of those present and voting. This in itself is a departure from the protection of unlimited debate. It may be a necessary departure and it may be a wise one. I opposed it in 1959, but nevertheless, it was adopted. At least the principle of requiring a two-thirds vote is consistent with many constitutional provisions, such as those for ratifying treaties and proposing constitutional amendments. There is, however, no basis whatever for urging that debate be terminated by majority rule. This would be inconsistent with many provisions of the Constitution, and more important, with the very spirit of our representative Federal Government.

We must always remember that the Constitution was ordained and established both to form a more perfect union and to secure the blessings of liberty to its generation and their posterity. We must remember that they considered it just as important to create a government which would secure the blessings of liberty and protect the inalienable rights of the individual as it was to create a strong government.

If we keep these things in mind, we will see the importance of preserving the right of debate in the Senate.

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

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

TRIBUTE TO SENATOR NEUBERGER

Mr. MORSE. Madam President (Mrs. NEUBERGER in the chair), seldom have I been the recipient of such a pleasant honor as that now being paid me. My very distinguished colleague is occupying the chair of the President pro tempore of the Senate for the first time since she took the oath of office on Tuesday. It is a matter of great gratification to me that she has taken the chair during one of my discourses on the floor of the Senate. I feel rather sorry for her, from that standpoint; but I do not feel sorry for myself. I assure my colleague that I shall long remember the fact that it was my pleasure to be speaking on the floor of the Senate when the distinguished Senator from Oregon first occupied the chair as a new Senator.

Madam President, I want to be very fair to the Senator from South Carolina [Mr. THURMOND]. I have a few more bills to introduce. I suggest that I yield to him, with the understanding that I do not lose my right to the floor, to let him make his statement.

(At this point Mr. MORSE yielded to Mr. THURMOND, who spoke on a proposed constitutional amendment to change the electoral college system.)

THE ARMY IN THE 1960'S—ADDRESS BY GEN. L. L. LEMNITZER

Mr. THURMOND. Madam President, on September 16, 1960, Gen. L. L. Lemnitzer, then Chief of Staff of the U.S. Army and now Chairman of the Joint Chiefs of Staff, delivered a very important address entitled "The Army in the 1960's" before the Seventh Annual Conference of Civilian Aides to the Secretary of the Army, at Aberdeen Proving Ground, Md. In this illuminating and interesting address, General Lemnitzer eloquently pointed out in detail the importance of the Army's role as a peacetime deterrent against war and also the vital part which the Army would play in general or limited warfare. Because I feel this address by this great soldier contains such valuable information for those serving in Congress, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

THE ARMY IN THE 1960'S

Secretary Brucker, General Quinn, ladies and gentlemen, it is a great pleasure for me to participate in this 1960 Civilian Aides Conference—interrupted as my attendance has been through no fault of my own.

I regret very much that I was unable to fulfill my part of the schedule yesterday as we had originally planned it. We felt that we had prepared an outstanding and well-coordinated program schedulewise, and I am sorry I missed my part. I am pleased, however, to hear the very complimentary remarks that have been made by many members of the Conference regarding the excellence of the presentations yesterday during the period when Secretary Brucker and I were in Washington attending a National Security Council meeting.

I am mindful that this is the last time I shall participate in the Secretary's Civilian Aides Conference as Chief of Staff. I regret exceedingly that I was unable to serve out my full tour as Chief of Staff—but that was not to be. In this regard I feel very much like the recruit who was drilling in front of my quarters at Fort McNair when General Eisenhower was Chief of Staff. The recruit was fumbling and stumbling around, and was really getting laid out by the drill sergeant. Finally the sergeant said, "Well there is one thing about it, Jones. You and General Eisenhower, the Chief of Staff, have one thing in common."

The recruit thought he was going to get a complimentary remark and said, "Yes, Sergeant, what is that?"

The sergeant said, "You both have gone as far in this Army as you are ever going to get."

Since it is my last appearance as Chief of Staff, therefore, I would like to express my thanks and deep appreciation to all of the civilian aides for the invaluable help they have rendered to the Army, particularly during my period as Chief of Staff. The importance of the role played by the civilian aides is especially apparent to—and thoroughly understood and deeply appreciated by—the Chief of Staff. Many people, particularly senior people in the Army, Army commanders and others, readily recognize the very important role you play. But from the vantage point of the Chief of Staff, I can get the best look of all, excepting only the Secretary of the Army. You are the eyes, the ears, the advocates, and the enthusiastic supporters of the Army in your respective areas. As I said, I am sorry that I was unable to close out my tour as Army Chief of Staff. However, in General Decker, my successor, you will have an able, dedicated, and outstanding officer to work with. It was my responsibility to recommend to the Secretary who my successor would be, and I chose General Decker without the slightest hesitation. I have known him for a good many years, and my selection was based on the very simple but very important criterion that he was the very best man available.

I am pleased that we are meeting here at the Aberdeen Proving Ground for this conference. It has been obvious that our ability to adapt the findings of our Nation's science and technology to military purposes will be a key factor in safeguarding our national security. This applies to all services, particularly the Army. Aberdeen Proving Ground is one of the Army's oldest and most vital centers of development in the field of military technology. To my mind, therefore, it is particularly appropriate to have this year's Conference here.

Now, the theme of this year's Conference, Army objectives for the future during the period 1960 to 1965, strikes me as a subject of particular timeliness and importance. As we enter the sixties, we hear this decade described frequently as the decade of decision between the free world and the Communists. This decade will undoubtedly witness dynamic shifts in the power balance from time to time—between us and our enemies—and whether it is to our advantage or theirs will depend very much on what we do and the determination which we display in this power struggle. All of us here are very much aware of the influence which the U.S. Army exerts in that power balance. We also know that the decisions we make today and within the next couple of years will have an inevitable influence upon the combat capabilities of the Army and our Armed Forces throughout the entire decade of the sixties. The budget, the equipment that we are talking about today will provide the tools that we will have in the Army during the next decade. This is a long period ahead, but a hard fact of life is the requirement of leadtime to place modern equipment in the hands of the American soldier. The wisdom we display in selecting our objectives for the next 5 years and the vigor and ingenuity with which we seek to attain those objectives are going to determine the effectiveness of the Army and the U.S. Armed Forces for a long period ahead.

In my remarks this morning, I would like to take a look into the future, with particular reference to the 5 years ahead. In so doing, I shall describe what appear to be newly emerging aspects of the Communist military threat. I realize that you have been given some of the specifics of this threat, but I want to talk about them a bit more in general this morning. I shall then outline the broad actions we are taking in the Department of Defense to deal with this threat, the Army's contributions to the actions which are being taken, and how these actions affect establishment of the Army's planning objectives.

A predominant influence in the critical period which lies ahead of us is, of course,

the Communist threat—a continuing threat. I, for one, am sure that, regardless of the tactics the Communists adopt, there will be no change in the Communists' ultimate objective. It hasn't changed in the slightest in 43 years, and I see no reason why it should change. The Communist objective has been stated over and over again by the leaders of the Soviet Union. It has been included in all of the Communist literature that has been published over the 43 years since 1917 when the Communists assumed power in Russia. The objective is simple. It should be understood by everyone, but it is not. It is merely that the Communists want world domination—nothing less. Meanwhile, in the very recent past, the Communists have displayed a brandnew trend in tactics. I refer to Mr. Khrushchev's threat to strike the United States with missiles if we—to use his own term—"intervene" in Cuba. This is a disgraceful pronouncement on his part and it is the worst example of this rocket rattling to date. I also refer to the use of Soviet airlift in the Congo. This lift has an ulterior motive. It has been employed to bring not only aid materials. The Soviets also bring in so-called technicians—technicians who are politically trained and indoctrinated and who will have a great influence on the results that come out of the Congo situation. They will have a tremendous influence on the internal struggle that is taking place there. Further, the Soviets are employing airlift to move troops around the Congo for their particular puppet.

Now, in the past, the Communists have made their aggressive military moves primarily against countries that are right up against the Iron Curtain. In such cases, they used their armies or threatened the use of the Red Army. They have also used the threat of missiles in the case of the Suez crisis, among others. In the case of Cuba, the Soviets have employed the threat of an intercontinental missile attack upon the United States itself, in a blatant attempt to influence political activities in the Western Hemisphere. This came as quite a shock to us Americans. In the case of the Congo, the Communists are not dealing with their neighbors up against the Iron Curtain. They have employed strategic airlift to "leapfrog" portions of the free and uncommitted world, and thereby they have extended their military influence to another continent which is a very long way from the Communist empire.

To my mind, these events have a number of very disturbing implications. One implication is that the Communists appear ready to make increasing use of what has been referred to as a massive retaliation in reverse policy. Our capability to respond to an intercontinental attack on the United States will have an obvious bearing on the effectiveness of Communist use of this threat of massive retaliation for political purposes. Another implication is that the Soviets are developing a capability for rapid exploitation of disorders in areas distant from the Communist empire as in the case of the Congo. This capability applies both to cold and to limited war activities.

Of the two aspects of the Communist military threat—limited aggression and general nuclear war—the general war aspect to date has received most public attention. In many ways this is understandable. Such a war would entail a massive nuclear attack on the United States involving unprecedented loss of life and other destruction. Meanwhile, our Nation and the rest of the free world could also go down to defeat as a result of a series of disasters which could be the result of limited wars. As you know, the Army has taken the lead in stressing the importance of being able and prepared to fight a limited war. I have the distinct impression that, after years of intensive effort on the part of everyone from the Secretary right down through the Army staff and the commanders, our efforts in this regard are paying off. However, I have also noted that in some quarters our efforts have created the erroneous impression that the Army considers itself to be solely a limited war force. This is, of course, decidedly not the case. We have taken the lead in focusing attention on the overlooked aspect of the whole spectrum of war and have constantly attempted to point out the likelihood of limited war, but in so doing we have been told by some that the Army is a limited war force. This is a grievous error and I have attempted to focus attention on the error which is involved and have included it in practically all the talks which I have given over the past year. What I am saying is that the Army has a role in all types of war across the entire spectrum. The Army's role in general war or world war, whichever you prefer to call it, is as important as it ever was in our history and can even be more so. I shall bring out this point by discussing briefly what we are doing to obtain deterrence of general war and to win such a war if deterrence should fail.

Today, the major danger of general nuclear war stems, naturally, from the possibility of a deliberate, engineered nuclear attack upon the United States by the Soviet Union. In making such an attack, the Soviets would, of course, attempt to destroy our strategic retaliatory forces. These forces include not only the bombers and missiles of our Strategic Air Command, but also our Tactical Air Force strike forces which are part of the unified commands deployed all around the world, and our naval aircraft. Soon Polaris submarines with a nuclear strike capability will be available.

Now wars are not decided by a single weapon, a single service, a single concept, or a single factor. Wars are settled and won or lost on the basis of overall readiness, determination, ability, and resources. I want to assure you that even if the Communists today launched an all-out nuclear attack upon the United States, nothing in the world could prevent them from bringing down upon themselves almost complete destruction of their own country by our own retaliatory forces. We should never miss the opportunity to make it clear to the Soviet Union that the launching of a surprise or "Pearl Harbor" type of attack upon our country would result in their own destruction. We must make our deterrent credible, in other words. That is the situation today and we have to be very sure that we do not lose our position in this struggle.

Meanwhile, as we and the Soviets continue to build up the means to wage intercontinental nuclear warfare, we simply cannot afford to ignore the possibility of such an attack. This is particularly true because the present state of technology permits neither the United States nor the Soviets to build a truly invulnerable strategic nuclear force. We are, however, working in that direction. The Army plays a major role in that effort through performance of its assigned missions. By the mid-sixties, we should have—if we keep up the tempo—virtually invulnerable nuclear strike forces, consisting of a diversified combination—and it is important to keep it diversified—of mobile land- and sea-based missiles, missiles with hardened sites, and long-range bombers. (The manned bomber is still here for a considerable time.) These forces could not, by any stretch of an enemy planner's imagination, be eliminated, by surprise attack, regardless of the immensity of that attack. Under these circumstances, any rational enemy would realize that his nuclear attack on the United States would guarantee his own destruction. He is not likely, therefore, to embark upon such an attack.

In such a situation, I feel that the danger of a general nuclear war would stem more from an accident than from a deliberate enemy attack. This danger of general war by accident is real, and it is becoming more real as we move into the missile age. A missile is much more responsive than an aircraft and can be launched by the mere pressing of a button. General war could arise from a limited war which gets out of hand. It could arise from an enemy's misinterpretation of our motives and our moves, especially in any period of high tension. It could arise from an irrational decision by a Soviet dictator. It could arise from the accidental discharge of a single nuclear weapon—either on the part of the enemy or ourselves.

It is this danger which we must also keep in mind as we look forward in the sixties. You do not guard against this danger by merely building offensive weapons. Rather, you build defenses—both active and passive—to minimize the destruction of a war which, tragically, neither side really wants.

In this connection, I would like to state emphatically that, while the possibility of a general war will require our most earnest efforts, there is no cause for defeatism in this particular field. Certainly, the possibility of such a war is appalling. Nonetheless, in my opinion, the idea that there is nothing worse—that our objective is merely survival—is outright defeatism. I say this because, if we lacked the courage to stand firm for our beliefs, we would be defeated already. Our whole history as a nation proves beyond any question that apathy and defeatism are foreign to the American character. In brief, we have the resources, the allies, the industrial resources, the personnel resources, and the military resources to meet any enemy threat and to defeat the enemy threat and to defeat the enemy, if he attacks, and ultimately to prevail.

Now, it is true that we have no actual experience in general nuclear war. We are talking merely from study which is the best we can possibly do. However, we have subjected this matter to intensive study and we believe we know a little about it. The more we have learned of nuclear weapons and their application even in general war, the more grounds we have obtained for considering that such a war would not destroy all of mankind. We know, too, that even the most rudimentary forms of protection, especially against fall-out, can greatly decrease casualties which would result from any nuclear war. In other words, our current evidence indicates beyond any doubt that a nation that is prepared can live through a nuclear war, frightful though such a war may be. So that is the reason I say there is no need for dismay or apathy or wringing our hands and saying that we cannot do anything about a general nuclear war. We can.

Meeting the threat, as we see it continuing to develop across the entire spectrum of possible military actions, places special responsibilities upon the Army.

One of these responsibilities is participation in defense against air attack. Through this activity, the Army is helping in a major way to achieve this invulnerable strategic nuclear capability which I referred to, and is contributing to the protection of the population and the economy of this country. Indeed, this protection is being carried to many important strategic oversea areas such as Europe and the Far East. The Army has Nike surface-to-air missile units deployed around high-priority targets here in the continental United States and in certain key oversea areas. The reliability and performance of these air defense weapons have been repeatedly demonstrated against the highest, fastest, and the most advanced air-breathing targets that modern technology has been able to devise. As Secretary Brucker indicated the other evening, a couple of days ago a Nike Hercules missile shot down another missile.

The value of these defenses for the Strategic Air Command is underscored by the

fact that the Soviet strategic strike forces contain approximately 1,200 bombers at the present time. In my opinion, bombers will continue to comprise a noteworthy portion of the Soviet air attack capability for the decade which we have just entered.

Now, as you know, there is also the growing threat posed by ballistic missiles. As we observe the growing Soviet missile capability, we are made the more keenly aware that no operational active defense against a missile attack is yet in existence. The development of such a defense is important for two major reasons. For one thing, there is the obvious requirement to establish effective defenses against missiles for our population, our war industry, and our retaliatory forces. For another thing, there is the impact which development of an operational antimissile defense would have upon the world balance of military strength. Obviously, our ability to defend ourselves successfully against such an attack is an element of our deterrent effectiveness. Furthermore, if the Soviets were to establish an operational antimissile defense before we do, as Secretary Brucker indicated last night, the deterrent effectiveness of our retaliatory forces would be most adversely affected and downgraded.

A second major responsibility which the Army must meet with regard to general war is to continue to make its vital contribution to the capability to hold strategic land areas in the event of an enemy attack, and thereafter, to win the decisive phase of operations that would follow any nuclear exchange. This is a traditional role of the Army and it will always be necessary.

Performance of this task requires the Army—

First, to maintain forces deployed in key areas overseas. Today, we have 41 percent of our active Army deployed overseas and following a pattern of forward strategy which this country must continue to follow.

Second, to continue its cooperation with our allies in the further development of their own military strength. In this respect, some of our best officers and noncommissioned officers are distributed around the entire free world, training our allies in developing their own army strength. The equivalent strength of allied ground forces is on the order of 200 divisions.

Third, to continue to improve our capability to support our military operations wherever they may need to be carried out throughout the world. This includes the capability to act quickly and effectively, involving both the deployment of strategic reserves into an emergency area, and rapid mobilization of our Reserve components. It also includes assistance in support—and I emphasize the word "support"—of our civil defense effort to minimize the effects of a nuclear attack upon our population, industry, and our military installations.

As long as the possibility exists that the Communists might consider that their objective could be advanced by a deliberate resort to general war, the efforts which I have outlined will be an important factor in our over-all deterrent capability. If the time comes when the deliberate initiation of general war becomes highly unlikely, the military efforts which we are making will continue to be as vital during the sixties, and maybe the seventies, as they are today. They will still be essential, to insure that we can protect our people—surely the prime objective of all national security policy—and defeat the enemy, whether a general war attack is deliberate or if it occurs accidentally.

So far as the threat of limited war attack is concerned, the Army, of course, does have important—yes, vital—responsibilities in this regard. Just as in connection with our efforts to meet the threat of general war, we must continue to cooperate with our allies in our efforts to increase their military strength and to come to their aid if necessary. In addition, the growing capability of the Communists to inject themselves militarily into emergencies throughout the world, such as in the Congo, points up certain specific requirements which our Army must be able to meet. Specifically, we need to develop strategic reserves in sufficient strength to enable us to deal with more than one limited emergency at a time—even if the emergencies occur in widely separated portions of the world. This is the reason we have been clamoring for airlift and increases in military strength. We have got to be able to deal with more than one emergency at a time. The enemy would be stupid to attempt to set up these emergencies side by side to make it convenient for us to get the maximum use out of the forces which we have. We require strategic mobility which will enable us to move our strategic reserves promptly, to any part of the world, and more quickly. Speed is the essence of our ability to come to the aid of our allies and assist them before they are overrun. In addition, we need to improve our capabilities and those of our allies to conduct antiguerrilla warfare. This is becoming an increasingly active area. In southeast Asia and in other parts of the world we can expect to encounter guerrilla activities because the Communists are showing themselves very able in this field. Antiguerrilla capabilities are necessary to permit situations such as exist today in Vietnam and Laos to be brought under control by those governments which are friendly to the United States.

In the light of what I have said about the developments in the threat and of the requirements which these developments impose upon us, a number of key objectives which the Army must pursue in the future can be readily identified.

To begin with, it is obvious that our current major lines of activity must be continued. These include forward strategy by deployment of our forces overseas, the maintenance of our air support, and keeping the Strategic Army Corps in top condition and ready to move. We must also continue to maintain trained, ready, reserve components. No war was ever fought and won with the forces in being on the day the war opened. We must have this reserve backup or we will not be able to prevail over the enemy.

Now, in addition, the early development of an operational antimissile defense system is clearly of importance and in the national interest. Consequently, the Army is pushing ahead with the research and development of Nike-Zeus, which is the only antimissile defense system with components actually in the hardware stage. The progress of Nike-Zeus thus far has been most encouraging, and we in the Army see it as a promising augmentation of the Nation's defense and deterrent capability.

One argument which is frequently raised against Nike-Zeus or the development of an antimissile missile is that the system cannot attain "economical attrition." That is to say that to make it effective requires greater effort on our part than is required by the enemy to get through our defense. Therefore, based on the principle of being noneconomical in the field of attrition, it is argued that we should not attempt to build such a defense. I do not accept this premise in the first place, and I regard such thinking as extremely dangerous to national survival. We must defeat incoming enemy missiles—regardless of whether the attrition is economical or not. If we recognize what we are trying to protect, this will stand out as crystal clear.

The other argument against the Nike-Zeus is that we should put all—and I repeat the word "all"—of our effort on offensive or deterrent means. While I yield to no man in recognizing the importance of the offensive to win a war, to have no defenses at all against enemy missiles could be fatal. As I pointed out earlier in my talk, a general war could delevop by accident; it could develop out of a limited war. If we only have a deterrent against general war and inadequate defenses against nuclear attack and we back into a general war there is no alternative to defeat. We all know that if a boxer—who may have the greatest punch in the world—enters a ring with his hands down, with no defenses at all, he may get clipped on his glass chin early in the fight and he will never get his offensive under way. The same principle applies in this field of antimissile activities.

Another Army objective is an increase from our present authorized strength of 870,000 to a total of 925,000. This is a modest increase. It would permit us to man 15 divisions, and thus to enlarge the Strategic Army Corps, and to reduce critical understrengths in some tactical and supporting forces which we have around the world. It is important also because it adds substantially to our flexibility in dealing with the possibility of coordinated, simultaneous, but widely separated Communist attacks. It is important also because it would enhance our ability to reinforce our deployed forces promptly in case of emergencies, whether they be limited or general in nature, in areas where those forces are located.

Closely related is another objective. That is, the attainment of an improved strategic mobility, particularly in the form of better and more airlift, not only for the Army—we are not the only ones who require airlift—but for all of the U.S. Armed Forces. The Army does not advocate any change in the presently assigned responsibility for providing airlift, but we do ask that there be enough to serve our purposes. As in the case of limited war, the Army has taken the lead in pointing out the deficiencies in airlift, although we don't provide it. The Air Force and Navy do. I think last year we made an important dent in this very important problem.

Another continuing requirement for the Army in the future is for modernization of material, both nuclear and nonnuculear. As I said earlier, the occurrence of a limited war raises world tensions and increases the danger of general war by accident. This danger could become even greater if the limited war should be fought with nuclear weapons. We must certainly have the tactical nuclear capability to fight such a war successfully. At the same time, we must not be so lacking in versatility that we are compelled to initiate the use of nuclear weapons or accept defeat. This would be totally unacceptable. Indeed, our dual capability—and we have it in the Army—which enables us to deal successfully with limited war situations through the use of nonnuclear or conventional weapons, contributes greatly to our ability to reduce the danger of accidental general war.

The fact is that no one can predict with absolute certainty whether or not nuclear weapons would actually be used if war should break out. You and I can visualize situations in which the use of nuclear weapons would not be to our advantage. As I pointed out to the Senate Armed Services Committee in my confirmation hearing, nuclear weapons are not the panacea—the cure all—of all military problems. You can see the situation that has developed in the world today. There are many cases in which nuclear weapons would not be applicable and would not solve the problem.

In addition to modernization of weapons, there is also the need for modernization in the vital field of tactical mobility. I understand that General Trudeau has already talked in detail on this subject. There is no doubt but what the expanded area of the battlefield emphasizes the importance of mobility. It is highly possible that the traditional restrictions upon land warfare im-

posed by terrain features such as rivers, swamps, mountains, and forests can be surmounted through forthcoming developments, particularly with regard to the field of Army aviation and tactical air mobility.

Both improved weapons and improved tactical mobility will make it possible to maximize the effectiveness of our forces and the resources that are made available to us.

The final objective of the Army which I want to mention is to help achieve an improved capability to meet the emergency of a surprise attack upon this country—that is, in the field of civil defense. This is important to our deterrent capability now, and it will be even more important in the future. The Army has special qualities in this regard. It is organized, trained, and equipped to operate on land. It depends more on men than it does on machines. Thus, it would be more especially fitted to operate after a nuclear attack had destroyed much of the machinery which we require, literally, for modern living. Further, the elements of both the Active Army and the Reserve components are distributed in an ideal fashion across the length and breadth of this country. This distribution would be particularly valuable in view of the impact which a surprise nuclear attack could have. The Army recognizes that it would inevitably be called upon to render assistance in such an emergency. It considers that the Nation's ability to withstand such an attack is an important element of our total national security posture. Therefore, we regard this responsibility of assistance to civil defense as second only in importance to our combat responsibility. But I want to repeat, and you should repeat it when the question comes up, civil defense is no substitute for our combat mission, as some people would attempt to have it.

In summary, I would like to highlight my principal point which I have made this morning.

The first point I want to leave with you is that, while the threat facing us requires the most earnest and sustained efforts on our part, it must not give cause for dismay, defeatism, or apathy. We can meet the Soviet threat successfully. We have the resources to meet it and defeat the enemy and win.

The next major point is that we must maintain the capability to deal effectively with the threat across the entire spectrum of military activities, that is, the cold war, limited, and general war. In other words, the Army must maintain and enhance its capabilities to defeat an attack both in the form of general war and in any kind of limited war. Moreover, we must continue our efforts to provide the military strength which is vital to the winning of the cold war.

The third point I want to emphasize is that, although the danger of a deliberate Communist resort to general war may decline, the possibility of a general war breaking out accidentally will remain as a continuing danger and, in my opinion, an increasing danger by virtue of the types of weapons which both sides are equipping themselves with. Thus, extensive military efforts will continue to be required both to defeat the enemy and to protect our population and our military potential.

My next point is that the Communist capability for limited war and other lesser forms of aggression is today expanding. The threatened areas are being extended to include parts of the world which previously have been too far from the boundaries of the Communist empire to be realistically vulnerable to Communist aggression.

It is clear that all of these considerations place continuing and increasing importance upon the Army. The Army's flexibility, resilience, character, traditional integrity, and capabilties make it a key element in our total national security effort.

This will hold true not only in the 5 years ahead, but in the late sixties, the seventies, the two thousands, and as long as wars are fought on this earth.

In conclusion, I would just like to say this about the total problem that faces us. The struggle in which the free world is now engaged is a mortal one and it encompasses almost all of the fields of human activity. Every one of you here today, military or civilian, is personally involved in one way or another in that struggle. None of you is an onlooker to the big decisions which are being made every day worldwide.

This Nation, from its earliest beginnings, has been a nation of competitors. I do not subscribe for a minute to the suggestion that now, when Americans are engaged in the most difficult and widespread challenge they have ever faced, this competitive drive and determination to win are growing any weaker. Anyone who thinks so, in my judgment, misreads the temper of the American people. Whatever your position of leadership may be, bear in mind that your objective is to win, and not put a good face on defeat. Your objective is to win all along the line, the little skirmishes just as well as the big battles. The Nation would and should not tolerate less. All of you know of countless examples of this axiom in industry and commerce, which by its very nature is clearly competitive.

Sometimes too many people overlook this fundamental obligation as it is applied to public leadership. It seems to me that history has made much too much of a play over the lost causes and the gallant last stands. Napoleon today is remembered more by some for Waterloo than he is for Austerlitz. But it was Wellington who prevailed at Waterloo and thus shaped the next hundred years of his country's history. The danger we face today is far greater and it will not be settled like Waterloo in any 10 hours. It pits an entire civilization against another in a hundred manifestations and aspects of this mortal struggle, whether it is conventional, nuclear, or thermonuclear weapons that are employed. A clash of this dimension cannot be a stalemate. There has to be a winner and there has to be a loser. We must face reality squarely in all fields, whether it be in international law, in education, in foreign trade, in public information, in propaganda, or in coldblooded military calculation. We must not delude ourselves with hopes or dreams or well meant intentions that fall short of the mark. I feel that mankind's highest hopes are riding on the outcome of the struggle that has gone on for 43 years and can go on for hundreds of years in the future. We are not going to compromise or adjust our sights downward; we are going to win.

It is important for people throughout the country to understand the nature of the problems which we must solve, and the role of the Army in solving them. Such understanding is essential for the Army to receive the support which it requires to carry on its vital task. The contribution which, as leaders in your communities, you have made to achieving this understanding has been of enormous value in the past. In my opinion, the fact that we can continue to count on your assistance in this vital effort ranks among the Army's most important assets in the Army's effectiveness and therefore in the national security.

It has been a great pleasure to talk to you this morning, and I look forward during the panel discussion to further discussions on the topics and the issues which I have raised.

Thank you very much.

AMENDMENT OF CLOTURE RULE

The Senate resumed the consideration of the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. MANSFIELD. Mr. President——

Mr. MORSE. Mr. President, I yield to the majority leader, without losing my right to the floor.

Mr. MANSFIELD. I believe there are no other Senators who wish to speak on the pending motion. I most respectfully request that it be put to a vote at this time.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The question is on agreeing to the motion to proceed to the consideration of Senate Resolution 4. [Putting the question.]

The motion was agreed to.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Madam President, it is the understanding of the leadership and of all parties concerned that there will be no more discussion on this subject tonight, and that at the conclusion of the remarks of Senators who are on the floor and are interested in speaking, we will adjourn until tomorrow at 12 o'clock noon.

I therefore ask unanimous consent that when the Senate adjourns today, it adjourn until 12 o'clock noon tomorrow.

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

NOTICE OF JOINT SESSION OF TWO HOUSES TOMORROW

Mr. MANSFIELD. Madam President, tomorrow the Senate will leave its Chamber at 12:45 p.m. because we will be expected in the Hall of the House of Representatives at 12:50 p.m.

Mr. THURMOND. Madam President, I desire to thank the distinguished senior Senator from Oregon for his courtesy in yielding to me.

Mr. MORSE. The Senator from South Carolina is entirely welcome.

WOUNDING OF DONALD W. NEWHOUSE

Mr. MORSE. Madam President, last October, the production manager of the Portland Oregonian, Mr. Donald Newhouse, was seriously wounded by a shotgun blast fired at him through the basement window of his home. As yet, the person who perpetrated this criminal act has not been apprehended.

On October 21, 1960, a few days after the shooting occurred, the Oregon Labor Press expressed what I am sure is the unanimous feeling of other residents of Oregon that this crime could have been perpetrated only by a vicious or demented individual who should be brought to the bar of justice as soon as possible.

I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD the editorial which appeared in the October 21, 1960, issue of the Oregon Labor Press.

At the time of that dastardly shooting, Madam President, I issued a statement from my office in condemnation of it; that statement was very much along the lines of the editorial which I now ask unanimous consent to have printed in the RECORD.

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

SHOTGUN ATTACK

Shock and outrage are the only possible reactions to the sneak shotgun attack on Donald Newhouse, production manager of the Oregonian and cousin of the newspapers' New York owner, Samuel Newhouse. Young Newhouse received a serious hip wound when an unknown person fired a shotgun blast through the basement window of his home Sunday night.

Shock and outrage, yes. But this is not to say that these emotions should be directed against any union or any union member.

The Oregonian and its pale afternoon shadow, the Oregon Journal, have leaped to the conclusion that this is a case of union violence. This conclusion is completely unsupported. It reeks of sensationalism, distortion, and self-seeking responsibility.

In other words, the newspapers themselves have committed a journalistic shotgun attack.

Obviously, no sane or responsible person could have committed this act of violence. The crime could have been committed by some disgruntled strikebreaker, by some unbalanced union member, or by some person unconnected with the newspapers or the strike. As Chief of Police William J. Hilbruner said: "It might be connected with the strike, or it might just as easily be some crank or crackpot."

The labor unions of Oregon—and especially the unions involved in the newspaper strike—have every reason to deplore this crime. The unions surely deplore it far more than anyone else except the victim and his family, for an unthinking public is only too ready to believe any charge of union violence.

The attack on Newhouse can do nothing but damage to the unions' cause—a just cause for which 800 families have suffered a year of heavy hardship. The unions know this fact full well. But a large segment of the public has been carefully brainwashed to believe unions guilty of any evil insinuated against them.

We hope the demented attacker of Donald Newhouse is swiftly apprehended. Then justice will be done—and perhaps the daily newspapers will stop their shotgun attack on decent unions and decent union people.

CONGRATULATIONS TO SENATOR NEUBERGER

Mr. DOUGLAS. Madam President, first of all, allow me to state the distinct pleasure I have in being permitted to submit, for printing in the RECORD, certain matters while the Chair is being occupied by the distinguished junior Senator from Oregon [Mrs. NEUBERGER]. Our entire body is greatly honored by her presence, and all of us have a distinct feeling of pleasure that she is now one of us.

BRIEF IN SUPPORT OF PROPOSITION THAT A MAJORITY OF THE SENATE HAS THE POWER TO AMEND ITS RULES AT THE BEGINNING OF A NEW CONGRESS

Mr. DOUGLAS. Madam President, we learn not only through our ears, but also through our eyes; and frequently we can learn more from reading than from actual attendance at the sessions of the Senate. This is true of Members of the Senate, and of course it is even more true of the members of the general public.

Therefore, I shall ask unanimous consent to have printed in the RECORD two documents which I think have a very real bearing on the question which we shall shortly be asked to decide, namely, the power of a majority of the Members of the Senate to amend the rules of the Senate at the opening of a new Congress, unfettered by any restrictive rules of earlier Congresses.

So, Madam President, first I ask unanimous consent to have printed at this point in the RECORD, as part of my remarks, a brief which six Members of the Senate prepared and submitted to the Vice President on December 30.

The PRESIDING OFFICER. Without objection——

Mr. RUSSELL. Madam President, reserving the right to object, although I shall not object, let me ask whether it is the same brief as the one heretofore printed in the RECORD.

Mr. DOUGLAS. No; it has been revised and brought up to date.

Mr. RUSSELL. I knew that the distinguished Senator from Illinois and some of his cohorts had done a great deal of work, and heretofore the Senator from Illinois had offered considerable matter for printing in the RECORD.

Mr. DOUGLAS. That is correct.

This one treats with the same subject, and embodies many of the same arguments; but we think it is a somewhat improved argument, and we have brought it up to date.

Mr. RUSSELL. Madam President, even though the Senator from Illinois thinks it is improved, I shall not object.

Mr. DOUGLAS. I appreciate the courtesy of the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

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

BEFORE THE VICE PRESIDENT OF THE UNITED STATES (ACTING AS PRESIDENT OF THE SENATE OF THE UNITED STATES), IN THE MATTER OF THE VICE PRESIDENT'S RULINGS IN CONNECTION WITH EFFORTS TO CHANGE RULE XXII, DECEMBER 30, 1960

BRIEF IN SUPPORT OF PROPOSITION THAT A MAJORITY OF THE MEMBERS OF THE SENATE OF THE 87TH CONGRESS HAS POWER TO AMEND RULES AT THE OPENING OF THE NEW CONGRESS UNFETTERED BY ANY RESTRICTIVE RULES OF EARLIER CONGRESSES

Questions presented

1. Whether the Constitution, and particularly article I, section 5 thereof, authorizes the Senate of each new Congress to amend its own rules at the opening of the new Congress unfettered by any restrictive rules of the Senate of earlier Congresses.

2. Whether action by the Senate of an earlier Congress can prevent the Senate of the 87th Congress from adopting or amending rules as the majority of the Senators of the 87th Congress believes will best facilitate the business of the Senate and the implementation of the mandate of the electorate.

3. Whether, at the opening of the Senate of the 87th Congress, a majority of the Members of the Senate may terminate a filibuster by a motion for the previous question or a motion to cut off debate, where such action is necessary to reach a determination on the rules to govern the Senate of the 87th Congress.

Significance of questions presented

1. The issues at stake on January 3, 1961: The success or failure of the efforts that will be made on the opening day of the 87th Congress to end the filibuster and bring majority rule to the Senate may very well determine the outcome of much of the important legislation that will be presented to the new Congress.

For rule XXII is not only the "gravedigger" of meaningful and effective civil rights legislation; it is also the threat under which other vital legislation has been defeated, delayed, or compromised to meet the views of the minority.

It would not be too much to say that what is at stake in the fight for reasonable majority rule to be made at the opening of the new Congress is nothing more nor less than the dignity of the Senate and its ability to function as a democratic and representative legislative body.

2. The impossible hurdle of two-thirds cloture: The existing rule XXII adopted on January 12, 1959, permits the closing of debate only after two-thirds of those present and voting have voted affirmatively to close debate.

This two-thirds of those present and voting rule was the rule from 1917 to 1949. From 1949 to 1959, debate could only be closed by two-thirds of the total Senate (not two-thirds of those present and voting) voting affirmatively to close debate. Actually, there is no practical difference between the 1949–59 rule (two-thirds of the total Senate) and the 1917–49, existing rule (two-thirds of those present and voting). Attendance is now virtually complete on all crucial civil rights issues and two-thirds of those present and voting will in practical effect be just about the same as two-thirds of the total Senate.

Two-thirds cloture, the existing rule, cannot be obtained in those areas where cloture is needed. In all of the nine cases of attempted cloture on a civil rights bill in the Senate, it has never been possible to secure a two-thirds vote of those present—although in several cases a heavy majority wanted to proceed to a vote (e.g., 52–32 and 55–33 on FEPC in 1950).

Up until 1957 the strategy of the anti-civil-rights forces was to use the filibuster or threat of filibuster to prevent any civil rights legislation whatever from going through. In 1957 this strategy was shifted to emasculating civil rights measures under threat of filibuster and thus avoiding the necessity of an actual filibuster. Thus the 1957 and 1960 civil rights bills were watered down by such threats of filibuster and the impossibility of obtaining two-thirds cloture for a meaningful civil rights bill. It is probably not too much to say that the reason that Congress has not enacted legislation supporting and implementing the Supreme Court's 1954 desegregation decision is because such a measure would be relentlessly filibustered and it is not possible to obtain a two-thirds vote to end a filibuster on such a measure. That a majority of Congress favors such action to support the Court, and that majority cloture would bring such action, cannot be doubted.

3. Both party platforms pledge antifilibuster action: Both party platforms recognize that the existing two-thirds cloture rule is unworkable and pledge action to change that rule.

The Republican platform pledges as follows: "We pledge our best efforts to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees."

The Democratic platform pledges as follows: "In order that the will of the American people may be expressed upon all legisla-

tive proposals, we urge that action be taken at the beginning of the 87th Congress to improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.

"To accomplish these goals will require executive orders, legal actions brought by the Attorney General, legislation, and improved congressional procedures to safeguard majority rule."

4. Changing rule XXII is the only way to implement civil rights promises of both parties: Both parties have pledged meaningful and effective civil rights legislation in the strongest and most unequivocal terms in history. The enactment of these pledges into law depends upon changing rule XXII, for, as we have seen, the history of the Senate makes it abundantly clear that two-thirds cloture is not possible on meaningful and effective civil rights legislation. Any Senator who supports the pledges of his party platform for civil rights legislation with more than lip service must also support strengthening the antifilibuster rule, for the outcome of the latter struggle will determine whether those civil rights pledges can be kept.

5. Opening day or never for rule XXII change: The only time a new filibuster rule can be adopted is at the opening of the Senate of the new Congress on January 3, 1961. As we demonstrate in this brief, at the opening of a new Congress a majority of the Senators present and voting can cut off debate and adopt any filibuster rule for the Senate of the new Congress that the majority desire. But, once the Senate of the 87th Congress has accepted rule XXII by acquiescing in the full body of existing rules and has commenced to operate under them, there is no way of changing rule XXII later on in the 87th Congress.

In a word, rule XXII is self-perpetuating except at the opening of a new Congress. Once rule XXII has been accepted by the new Congress it can be used as a lethal weapon against changing it; there is no way of obtaining the necessary two-thirds to close debate on a resolution for majority rule once the existing rules are in effect. The suggestion that majority rule can be obtained by bringing a resolution to that effect out of the Rules Committee and passing it on the floor later in the Congress is totally illusory. The same group that makes it impossible to obtain two-thirds cloture on meaningful and effective civil rights legislation makes it impossible to obtain two-thirds cloture on a rules change for the purpose of enacting such meaningful and effective civil rights legislation. Majority rule will either be obtained at the opening of the Senate of the new Congress or it will not be obtained during the new Congress at all.

6. The Vice President's rulings: Thus the Vice President's rulings, as suggested herein, "that a majority of the Members of the Senate of the 87th Congress have power to adopt rules at the opening of the new Congress unfettered by any restrictive rules of earlier Congresses and thus a majority of the Members of the Senate of the 87th Congress have power to terminate a filibuster by a motion for the previous question or a motion to cut off debate where such action is necessary to reach a determination on the rules that will govern the Senate of the 87th Congress" may well determine the future of civil rights and much other legislation in the 87th Congress.

Statement of facts

The Senate of the 87th Congress will convene at 12 o'clock meridian on January 3, 1961. Immediately after the prayer, formalities of presenting credentials and administering the oath to new Members, and the election of officers, a member of the group seeking to change rule XXII will seek recognition and, upon receiving recognition,[1] will address the Chair substantially as follows:

"Mr. President, on behalf of the following Senators [listing them] and myself, and in accordance with article I, section 5 of the Constitution of the United States and the advisory rulings of the Chair at the opening of the 85th and 86th Congresses, I send to the desk a resolution and I ask that the Clerk read it."

The resolution sent to the desk will be as follows:

"*Resolved*, That subsection 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"'3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the 15th calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

"'"Is it the sense of the Senate that the debate shall be brought to a close?"

"'And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"'Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.'"

After the Clerk reads the resolution, the Senator who had sent the resolution to the desk will request unanimous consent for the immediate consideration of the resolution. Unanimous consent for the immediate consideration of the resolution is required because rule XL entitles the Senate to 1 day's notice in writing of motions to amend or modify a rule.[2] If unanimous consent is forthcoming, the resolution is on the floor of the Senate for debate. If, as seems more likely, one or more Senators refuse unanimous consent, the Senator who had sent the resolution to the desk will address the Chair as follows:

"Mr. President, I therefore send to the desk a notice of a motion to amend certain rules of the Senate and ask that it be read."

The notice of motion would read as follows:

"In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the Standing Rules of the Senate in the following particulars, namely: Subsection 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"'3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the 15th calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?"

"'And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"'Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion,

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[1] Whatever position the new majority leader may take upon the matter of a change in the rules at the opening of the Senate of the new Congress, it is not believed that he would seek to deny recognition to a member of the group seeking to change rule XXII. In 1953, the majority leader, Senator Taft, although opposing the movement for new rules at the opening of the 83d Cong., facilitated the recognition of Senator ANDERSON for the purpose of moving the adoption of new rules. In 1957, Majority Leader JOHNSON also cooperated to this end. In 1959, Majority Leader JOHNSON himself proposed a rules change at the opening of the new Congress. Actually, as will be seen, the proposed procedure to change the rules at the opening of the 87th Cong. follows closely upon Senator JOHNSON's action in 1959, the only addition being the reliance of the "majority rule" Senators upon the Constitution and the advisory rulings of the Chair at the opening of the 85th and 86th Cong.

Furthermore, the Senator seeking recognition on behalf of the group proposing the change in rule XXII would be constitutionally entitled to recognition. This brief puts the Vice President and the leadership of both parties in the Senate on notice that a substantial group of Senators do not automatically acquiesce in the old rules. As such, they are entitled to a determination whether a majority of the Members of the Senate of the 87th Cong. agree with them. Since, as we demonstrate in this brief, a majority of the Members of the Senate of the 87th Cong. have power to adopt rules at the opening of the new Congress unfettered by any restrictive rules of earlier Congresses, recognition for the purpose of exercising this power or determining whether a majority exists who seek to exercise such power would thus be constitutionally required. See colloquy between Majority Leader JOHNSON and the Vice President on opening day 1959 (105 CONGRESSIONAL RECORD 11).

[2] Since rule XL does not restrict the power of a majority of the Senate to act expeditiously on new rules, the group seeking to change rule XXII acquiesces in this rule and is operating under it.

or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

" 'The purpose of the proposed amendment is to provide for bringing debate to a close by a majority of the Senators duly chosen and sworn after full and fair discussion.' "

Presumably the Senate would thereupon adjourn until Wednesday, January 4, when debate on the resolution to change rule XXII would commence.[3] It is not believed that the new majority leader would seek to prejudice the right of the Senators bringing up the resolution to change rule XXII by attempting to take up other business on January 3. Indeed, it is customary for the Senate not to remain in session for any length of time on opening day when the new Senators who have just been sworn in have congratulatory and other festivities to attend. If, by some remote chance, an effort were made to go to other business, it would be incumbent on the Senators supporting the rules change either to object to the transaction of any such business or to make certain, by obtaining the necessary consents or parliamentary rulings, that the transaction of such business would not waive the rights of the majority to adopt rules at the opening of the Senate of the new Congress. In other words, it would be necessary to make sure that the Vice President would be prepared to treat January 4 as still the opening of the new Congress for purposes of the rules, despite the business the majority leader proposed to transact January 3. As already indicated, however, it is not believed that this problem is likely to arise; rather, it is assumed that debate on the resolution will commence on January 4 without hitch.

It is immediately recognizable that the proposed procedure for January 3, 1961, is different from the procedure adopted by the proponents of majority rule at the opening of recent Congresses. In 1953 and 1957, the motion utilized on opening day was as follows:

"In accordance with article I, section 5 of the Constitution which declares that * * * 'each House may determine the rules of its proceedings' * * * I now move that this body take up for immediate consideration the adoption of rules for the Senate of the 83d [or 85th] Congress."

In 1959 the same motion was offered as a substitute for Majority Leader JOHNSON's motion to amend the rules.

The Senators joining in the effort to change the rules on January 3, 1961, have two alternative courses open to them:

(i) They could have proceeded with the motion to take up rules as they did in 1953 and 1957 and as they sought to do in 1959.

(ii) Or they could proceed, as they are doing, under the Constitution, the Vice President's advisory rulings in 1957 and 1959 and the existing rules (to the extent they do not thwart the will of the majority).

The motion to take up rules utilized at the opening of recent Congresses proceeds on the assumption that the rules of the Senate do not carry over from Congress to Congress except by acquiescence of a majority of the Senate of the new Congress. The briefs submitted in support of the motion to take up the rules at the opening of recent Congresses made out an overwhelming case for this proposition.

We have, however, decided on the second alternative of proceeding under the Constitution, the Vice President's rulings and the existing rules, for three reasons:

1. Some Senators have indicated concern at operating under general parliamentary procedures even during the period of the adoption of rules, and the procedure now being followed avoids this problem, for the rules are assumed to carry over except to the extent that they thwart the ability of the majority to determine the rules at the opening of the Senate of the new Congress.

2. Vice President NIXON repeatedly expressed his opinion at the opening of the 85th and 86th Congresses that the rules do carry over from Senate to Senate except that earlier rules, insofar as they restrict the power of the Senate of a new Congress to change its rules, are not binding on the Senate at the opening of a new Congress.

3. Majority Leader JOHNSON's 1959 action in bringing up a rules change on opening day of the new Congress is a recent precedent for immediate consideration under the rules of such rules changes as are desired by a majority of the Members of the Senate.

We desire to make it extremely clear that, by proceeding as we are doing under both the Constitution and the existing rules, we do not waive and we cannot be considered as waiving the constitutional power of a majority of the Members of the Senate of the new Congress to adopt their own rules unfettered by any restrictive rules of the past. We are proceeding under the Constitution and under the Vice President's repeated advisory rulings that the rules, although they do carry over from Congress to Congress, cannot restrict what a majority of the Senate of the new Congress wants to do at the opening of a new Congress in the way of determining what rules are to govern the body for the next 2 years.

What tactics the opposition to a change in rule XXII will adopt are, of course, not known to us at this time. The opponents have at least the following alternatives:

1. They can move to table the resolution to amend the rules. If a majority votes to table, such action would, as the Vice President made clear in 1957, constitute approval of rule XXII as a part of the rules of the Senate of the 87th Congress.

2. They can seek to defeat a motion to take up the resolution to change rule XXII or seek to defeat the resolution itself. If a majority so votes, this would likewise constitute approval of rule XXII.

3. They can make a point of order against the consideration of the resolution to change rule XXII. The point of order would not, clearly not, be well taken. Whether or not the proposed resolution is considered under the Constitution or under the existing rules, in either event it is clearly in order. If rules do not carry over from Congress to Congress except by acquiescence, the proposed resolution is in order as an expression of such acquiescence in the existing rules other than rule XXII plus a new rule XXII. If the rules do carry over, the resolution is in order (as majority leader JOHNSON's resolution was in 1959) as a resolution to change a particular rule.

4. If the opponents of a change in rule XXII do not have the votes to table (as in 1. above) or to defeat the proposed resolution (as in 2. above), those who are most strenuously opposed to majority rule will undoubtedly seek to filibuster either the motion to take up the rules change or the rules change itself or both. It is then and only then that the real constitutional issue arises: Whether a majority of the Senators of the newly convening body can cut off debate in order to carry out their constitutional function of determining rules or whether they must stand powerless before the minority shielded by the rules of an earlier Senate? This brief is essentially directed to the proposition that a majority of Senators present and voting are not bound by the old rule XXII, but can cut off debate at the opening of a new Congress for the purpose of permitting the majority to determine the rules that are to govern the body for the next 2 years.

Vice President NIXON's Earlier Rulings

In 1957, during the debate on the rules at the opening of the Senate of the 85th Congress, Vice President NIXON gave an advisory ruling as follows (103 CONGRESSIONAL RECORD 178):

"It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

"Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule XXII in practice has such an effect.

"The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

"At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

"First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

"Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

"Third. It can vote affirmatively to proceed with the adoption of new rules.

"Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

"If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

"In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules."

In 1959, during the debate on the rules at the opening of the Senate of the 86th Congress, Vice President NIXON gave advisory rulings as follows:

"Under the advisory opinion the Chair rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote the Senate is proceeding under the rules adopted previously by the Senate, but, as the Chair also indicated in that opinion, it is the view of the Chair that a majority of the Senate has a constitu-

[3] As in 1959, the Vice President, upon request of a Senator (105 CONGRESSIONAL RECORD 98), would lay the resolution before the Senate during the morning hour. At the conclusion of the morning hour, the resolution would be placed on the calendar (105 CONGRESSIONAL RECORD 102). At that time, the sponsor of the resolution would move that the Senate proceed to the consideration of the resolution, as was done by Majority Leader JOHNSON in 1959 (105 CONGRESSIONAL RECORD 103).

tional right at the beginning of each new Congress to determine what rules it desires to follow" (105 CONGRESSIONAL RECORD 6).

"The resolution submitted by the Senator from Texas will be considered under the rules of the Senate which have been adopted previously by the Senate. But as the Chair stated earlier today, and as he expressed himself more fully in an advisory opinion at the beginning of the last Congress, in the opinion of the Chair the rules previously adopted by the Senate and currently in effect are not, insofar as they restrict the power of the Senate to change its rules, binding on the Senate at this time.

"The Chair expressed that opinion in the last Congress, but it is only an opinion. The question of constitutionality lies within the power of the Senate itself to decide. The Constitution gives to the Senate the power to make its rules. That means that the Members of the Senate have the right to determine the rules under which the Senate will operate. This right, in the opinion of the Chair, is one which can be exercised by and is lodged in a majority of the Members of the Senate. This right, in the opinion of the Chair, in order to be operative also implies the constitutional right that the majority has the power to cut off debate in order to exercise the right of changing or determining the rules" (105 CONGRESSIONAL RECORD 8–9).

"If, for example, during the course of the debate on the motion of the Senator from Texas, which deals with changing the rules, a Senator believes that action should be taken and debate closed, such Senator at that time could, in the opinion of the Chair, raise the constitutional question by moving to cut off debate. The Chair would indicate his opinion that such a motion was in order but would submit the question to the Senate for its decision" (105 CONGRESSIONAL RECORD 9).

"In the opinion of the Chair, as he has expressed it both yesterday and at the beginning of the first session of the last Congress, the rules of the Senate continue from session to session until the Senate, at the beginning of a session indicates its will to the contrary.

"In the opinion of the Chair, also, however, any rule of the Senate adopted in a prior Congress, which has the express or implied effect of restricting the constitutional power of the Senate to make its own rules, is inapplicable when rules are before the Senate for consideration at the beginning of a new Congress.

"It has been the opinion of the Chair, for example, that subsection 3 of rule XXII would fall in that category, because it has the practical effect, or might have the practical effect, of denying to a majority of the Senate at the beginning of a new Congress its constitutional power to work its will with regard to the rules by which it desires to be governed.

"On the other hand, in the opinion of the Chair, the requirement that any proposal to amend or adopt rules lie over for a day, under rule XL, would not have such an inhibiting effect. Consequently, the Chair believes that rule XL is one which can properly apply in connection with consideration of the rules by the Senate at this point" (105 CONGRESSIONAL RECORD 96).

"It is the opinion of the Chair that at the beginning of a new Congress a majority of the Senate has the constitutional right to work its will with regard to the rules by which it desires to be governed, and that that right cannot be restricted by the membership of the Senate in one Congress imposing its will on the membership of the Senate in another Congress" (105 CONGRESSIONAL RECORD 101).

"The key problem around which this discussion has revolved is with regard to the question of whether the Senate can move to bring a question of change of the rules to a vote, as the Senator from Wyoming is aware. It is the opinion of the Chair that insofar as that problem is concerned, at the beginning of a new Congress the Senate can proceed to adopt new rules or to amend old rules without being inhibited by any previous rule which might restrict or deny the constitutional right or power of a majority of the membership of the Senate to determine its rules" (105 CONGRESSIONAL RECORD 102).

"A constitutional question would be presented if the time should come during the course of the debate when action on changing the rules should seem unlikely because of extended debate. At that point any Member of the Senate, in the opinion of the Chair, would have the right to move to cut off debate. Such a motion would be questioned by raising a point of order. At that point the Chair would submit the question to the Senate on the ground that a constitutional question had been raised because of the Chair's opinion that the Senate, at the commencement of a new Congress, has the power to make its rules. That power, in the Chair's opinion, cannot be restricted even by action of the Senate itself, which would be the case where the membership of the Senate in one Congress has attempted to curtail the constitutional right of the membership of the Senate in another Congress to adopt its rules" (105 CONGRESSIONAL RECORD 103).

These rulings are clearly correct[4] and the remainder of this brief is devoted to so demonstrate.

Argument: The Vice President's advisory rulings in 1957 and 1959 reflect a very real understanding of the basic constitutional principle here involved—that the Members of the Senate of each new Congress have undiluted power to determine the manner in which they will operate during that Congress and have no power whatever to determine the manner in which the Senate of future Congresses will operate. This basic constitutional principle is rooted both in article I, section 5 of the Constitution and in the historic democratic principle that the present shall determine its own destiny unhampered by the dead hand of the past.

The Senate of the First Congress meeting in 1789 promptly adopted rules (see debates and proceedings in the Congress of the United States, vol. I, pp. 15–21). Any Senator who would have sought to prevent the adoption of those rules and thus to prevent the transaction of business by undertaking a filibuster would have found himself quickly cut off by a motion for the previous question. Indeed, the rules adopted for the Senate in 1789 expressly provided for the previous question motion and this provision remained in the Senate rules until 1808.

Just as the Senators of the First Congress meeting in 1789 had undiluted power to determine the rules under which they would operate, so the Senators of the 87th Congress meeting in 1961 have undiluted power to determine the rules under which they will operate. No rules of the Senate of an earlier Congress can obstruct this right to adopt rules to govern the transaction of business. And no Senator or group of Senators can obstruct this right by seeking to prevent action on the rules through undertaking a filibuster. The filibuster is not a constitutional or a God-given right. It is up to the majority of the Senate convening on January 3, 1961, to determine whether they will expressly limit the use of the filibuster for the Senate of the 87th Congress.

I. The Majority of the Senate in Each Congress Has a Constitutional Right To Adopt Rules of Proceedings for the Senate of That Congress Unfettered by Action or Rules of the Senate of Any Preceding Congress

Article I, section 5 of the Constitution of the United States declares that "each House may determine the rules of its proceedings." Both the language and context make clear that "each House" means not only the separate branches of the Congress—that is, the House and the Senate—but also the separate branches of each succeeding Congress. No reason has been or can be adduced to interpret this constitutional provision as a grant of rule-making authority to the Members of the House and the Senate meeting for the first time in 1789 and a withholding of this same authority from the Members of the House and the Senate of later Congresses. Both language and logic lead to the conclusion that the constitutional authority to make rules is granted to each House of each Congress.

Article I, section 5, as we have just seen, is an identical grant of rule-making authority to each House of Congress. It is not disputed that the House of Representatives of each new Congress has the power to, and does, adopt new rules at the opening of each Congress. (See point V). The identical constitutional provision cannot reasonably be given a different interpretation as applied to the Senate, a coordinate branch of the "Congress of the United States." (Article I, section 1). For, not only do the two bodies act as a team in the Congress, but the rule-making authority of the House can be rendered meaningless if the Senate is not also in a position to adopt rules that will make possible the expression of the majority will of the Senate and thus of the Congress.

Every principle of constitutional construction supports the interpretation of article I, section 5, which gives the majority of the Senate present on January 3, 1961, the right to "determine the rules of its proceedings" unfettered by action or rules of the Senate of any preceding Congress. The Constitution of the United States should be interpreted in the light of the intention of its framers to build a democratic government reflecting the will of the governed not only for the day but for an enduring future. What Chief Justice Marshall said in *McCulloch* v. *Maryland* (4 Wheat. 316, 415), of the congressional power to pass "necessary and proper" legislation, is equally applicable to its power to make its own rules without the impediments of the past:

"The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers, to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confining the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change, entirely,

[4] When we say that these rulings are clearly correct, we mean that they are clearly correct insofar as they indicate that a majority of the Members of the Senate of a new Congress can act on rules unfettered by past actions and can cut off debate by majority vote to reach a determination on the rules. Whether the ruling was correct insofar as it suggests that the rules carry over to the extent that they do not restrict the power of the majority to change the rules at the opening of the Senate of the new Congress is a different matter. But for present purposes this question is academic and unnecessary to determine. For, without waiving any right to argue at a later date that the rules do not carry over, we agree with the Vice President's advisory rulings that, even if the rules do carry over, they cannot restrict a majority from changing them at the opening of the Senate of a new Congress.

the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accomodate its legislation to circumstances."

Likewise, article I, section 5, must be read in the light of the spirit of democratic government upon which the Constitution is predicated. There is no more basic principle of democracy than that the present shall determine its own destiny unhampered by the dead hand of the past. It cannot be argued, in a democracy, that earlier Congresses can bind new Senators who are elected on pledges to particular programs which old rules make impossible.

We cannot state this proposition as well as Thomas Jefferson did many years ago:

"Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not the dead * * *. A generation may bind itself as long as its majority continues in life; when that has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing then, is unchangeable but the inherent unalienable rights of man." (The Jefferson Cyclopedia, vol. VII, pp. 377, 378.)

As one generation cannot bind another, so one legislature cannot bind its successor. This fundamental principle of the independence and full authority of each new legislature, recognized by all authorities, has been well stated by Judge Cooley (Constitutional Limitations, 6th ed., 1890, pp. 146–147):

"To say that the legislature may pass irrepealable laws, is to say that it may alter the very constitution from which it derives its authority; since, insofar as one legislature could bind a subsequent one by its enactments, it could in the same degree reduce the legislative power of its successors; and the process might be repeated until, one by one, the subjects of legislation would be excluded altogether from their control, and the constitutional provision that the legislative power shall be vested in two houses would be to a greater or less degree rendered ineffectual."

The inherent right of legislative bodies to be unfettered by previous assemblies has been forcefully recognized by the Supreme Court of the United States in cases dating back over a long period. This right, as analyzed by the Supreme Court, does not arise from any particular phraseology in Federal and State constitutions; it arises from the very nature of successive legislatures in a democratic society.

In one of the leading cases dealing with this problem, the Supreme Court stated:

"Every succeeding legislature possesses the same jurisdiction and power with respect to them as its predecessors. The latter have the same power of repeal and modification which the former had of enactment, neither more or less. All occupy, in this respect, a footing of perfect equality. This must necessarily be so in the nature of things. It is vital to the public welfare that each one should be able at all times to do whatever the varying circumstances and present exigencies touching the subject involved may require. A different result would be fraught with evil." *Newton* v. *Board of County Commissioners of Mahoning County, Ohio* (100 U.S. 548, 559).

Again, in response to the argument that Congress could not change the use of certain public lands, Mr. Justice (later Chief Justice) Stone said:

"By dedicating the lands thus acquired to a particular public use, Congress declared a public policy, but did not purport to deprive itself of the power to change that policy by devoting the lands to other uses. The dedication expressed no more than the will of a particular Congress which does not impose itself upon those to follow in succeeding years. See *Newton* v. *Mahoning County Commissioners* (100 U.S. 548, 559); *Connecticut Mutual Life Insurance Co.* v. *Spratley* (172 U.S. 602, 621)." *Reichelderfer* v. *Quinn* (287 U.S. 315, 318).

This principle, that no legislature can act so as to fetter its successors in expressing public policy and public will, has been repeatedly expressed. See *Town of East Hartford* v. *Hartford Bridge Co.* (10 How. 511, 533); *Ohio Life Insurance and Trust Co.* v. *Debolt* (16 How. 416, 431); *Connecticut Mutual Life Ins. Co.*, v. *Spratley* (172 U.S. 602, 621); *Toomer* v. *Witsell* (334 U.S. 385, 393 (n. 19)). Who would maintain that, for example, if the Congress enacts a law providing that it can be repealed only by a two-thirds vote, that a majority could not subsequently repeal both that provision and the law itself by a simple majority? Such a theory would by the first, irreversible step toward the destruction of democratic government. Yet this is the very argument which is being made by thise who would assert the binding effects of the old rules upon the Senate of the new Congress.

Article I, section 5 of the Constitution, empowering each House to "determine the rules of its proceedings" must be interpreted in the light of these fundamental democratic principles upon which the Constitution is based; so interpreted, it can only be read to give each branch of each succeeding Congress the same power of making its own rules that the branches of the first Congress had when they met in 1789. And there can be no slightest question whatever that the majority of the Senators in 1789 had the right to adopt rules for their own governance and that that right could not have been frustrated by any attempts at filibuster.

What we have had in the past dozen years is a clear illustration of the evils inherent in the members of a legislative body seeking to bind their successors. What we have had is not simply a rule of the past whose incidental effect is to bind the present and the future; what we have had are purposeful efforts to restrict the authority of future Congresses by preventing changes in the rules.

First came clause 3 of the Hayden-Wherry resolution of 1949, which amended rule XXII to provide that there shall be no cloture whatever on any proposal to change the rules of the Senate. The Senate of the 81st Congress thus attempted to fasten its will on the Senate of all future Congresses; it attempted to perpetuate the present rule XXII for all time. This was not a simple effort to provide rules for the Senate's own governance, but was rather a deliberate attempt to foist those rules upon the Senate of all future Congresses. As Senator RUSSELL so aptly said of clause 3, "the rules of the Senate hereafter are not subject to cloture on a motion to proceed to the consideration of a change in the standing rules * * * it [clause 3] permits Senators who have the courage to do so to protect the parliamentary integrity of this body from assaults that will come in the days that lie ahead." (95 CONGRESSIONAL RECORD 2722. See also 95 CONGRESSIONAL RECORD 2230, 2415, 2582–2584, 2673–2675). Clause 3 was, in a word, a deliberate effort boldly stated to flout the basic principle that the Members of one Congress cannot bind their successors. The Vice President's advisory rulings in both 1957 and 1959 clearly stated his belief that clause 3 was unconstitutional.

Then, in 1959, the resolution of Majority Leader JOHNSON made an even more determined effort to bind the Senate of future Congresses. While removing clause 3 of the Hayden-Wherry resolution of 1949, the Johnson resolution of 1959 added a new similarly intended section 2 to rule XXXII, reading as follows:

"2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

But this provision can no more deny to a majority of the Senate of the 87th Congress their right to adopt rules than could clause 3 of the 1949 resolution. True, its intent, when considered in the light of the existing rule XXII, is to fasten that rule upon future Congresses until two-thirds of the Senators vote to cut off a filibuster against a rules change and get to a vote on a change in the rules. But the intended purpose falls before article I, section 5, and the basic democratic principles just discussed. A majority in 1959[5] cannot give a minority in 1961 the right to prevent the majority in 1961 from exercising its democratic will. It cannot be that such a strategem has effectively given a minority of Senators a perpetual veto power over the national legislative process.

It might be helpful and clarifying to consider some other possible courses that the Senate of the 81st Congress or the 87th Congress might have followed to perpetuate rule XXII. Suppose that, instead of adopting section 2 of rule XXXII, the Johnson resolution had provided that rules of the Senate "may be amended hereafter only by unanimous consent." Certainly no one would contend that the Senators meeting on January 3, 1961, would be bound by any such rule and yet this is exactly the purpose and effect of section 2 of rule XXXII. As long as a minority of Senators are on their feet and ready to talk and there are not two-thirds of the Senate ready to vote cloture, there can be no change in the rules of the Senate even though 55 percent or 60 percent or even more favor majority cloture. There is little difference between substance, the only effect of which is to create a certain result, and the actual form. When the practical effect of a provision is unconstitutional, it does not matter that the draftsmen have carefully avoided a clear expression thereof.

Or let us take a second case. Suppose the Senate in 1959 instead of enacting section 2 of rule XXXII had adopted a rule that no equal rights legislation could be considered for 25 years or some other terms of years. Again no one would dream of arguing that this rule would bind a majority of the Senate of the incoming 87th Congress. Yet, again as a practical matter, that is exactly the purpose of the action of the Senate of 1959.

The Senate of 1959, by section 2 of rule XXXII, tried to bind the future just as much as if it had required unanimous consent to any changes in the rules or had provided that the Senate of no future Congress could take up equal rights legislation. Its efforts to prevent the Senate from responding to the will of the people cannot succeed under the authorities cited and principles outlined above.

Rule XXII, in combination with rule XXXII, is substance masquerading as procedure. Rules are generally intended to facilitate the conduct of business, not to prevent it. The purpose of rules is to facilitate and provide, by orderly procedures, what a legislative body desires to do; a rule which defeats the purpose for which rules are established is hostile to democratic processes.

Rule XXII, in combination with rule XXXII, is not a procedural means of getting

[5] Whether there actually was a majority for this provision is unclear. It was added as part of a compromise package and no vote was ever taken on this provision separately.

business done; it is a substantive means of preventing business from being done.

It is a means of the Senate of one Congress seeking to bind its successors to its own rules and its own inaction.

It is a means of keeping the majority of the Senate and of the people from determining vital substantive issues.

The answer to this attempt to bind the future lies in article I, section 5, which gives the majority of the Senate of the 87th Congress, meeting for the first time on January 3, 1961, the power and the duty to make its own rules, unfettered by efforts of the Senate of an earlier Congress to deprive this majority of its constitutional power and responsibility. Rules adopted by the Senate of an earlier Congress cannot prejudice the explicit constitutional authority in article I, section 5.

II. The Four Closest Precedents in the History of the Senate All Support the Proposition That a Majority of the Senate of a New Congress Can Act To Adopt Its Own Rules Without the Obstruction of Actions and Rules of the Senate of an Earlier Congress

A. Precedent 1—The dismissal of the Senate printer in 1841: A joint resolution of 1819 authorized each House of Congress to choose the printer for the next succeeding House; it provided the method, rights of pay, and other matters of detail. Pursuant to this joint resolution, the Democratic Senate in 1840 chose as printer for the Senate of the following Congress (the 27th Congress) the firm of Blair & Rives. Mr. Blair was editor of the Washington Globe, an intensely partisan newspaper which supported the Democratic administration. The Whigs had given notice during the last days of the 2d session of the 26th Congress that they did not consider that the Democrats had any constitutional or moral right to choose a printer for the next Congress. Despite these warnings, the Democratic Senate awarded the contract for the printing for the next Senate to Blair & Rives.

Immediately upon the opening of a special session of the Whig-controlled 27th Congress, Senator Mangum, of North Carolina, introduced a resolution that Blair & Rives be dismissed as printer to the Senate (9 Congressional Globe, p. 236). The resolution was heatedly opposed, largely on the authority of the established usage under the joint resolution of 1819. The opponents argued that a printer had been elected 10 times under the authority of the resolution and that now, on the occasion of the 11th election, the unconstitutionality of the authorizing resolution was claimed too late.

Senator Allen, of Ohio, in a statement quoted several times during the recent Senate debates on rules changes, summed up the position of those contending for the binding effect of the action of the previous Senate in these words:

"And as to the assertion that this was a new Senate, he denied the fact. * * * There was no such thing as a new Senate known to the Constitution of this Republic. They might as well speak of a new Supreme Court as of a new Senate."

Senator Buchanan and others supported Senator Allen, arguing for the theory of the Senate as a permanent and continuous body bound by the actions of the Senate of an earlier Congress.

Rejecting the appeals of Senators Allen, Buchanan, and the other Democrats, those in favor of the dismissal of the printer designated the resolution of 1819 as a nullity because it attempted to bind the actions of future Houses of Congress. The argument that the Senate of one Congress could not bind its successors prevailed; the resolution to dismiss the printer was adopted 26 to 18.

In a word, the Senate of 1841 rejected the theory that the action of the Senate of one Congress could bind the Senate of a later Congress. The Senate rejected this theory in the face of the same arguments of permanence and continuity that are now being made by the supporters of rule XXII. Indeed, it is significant that Senator Taft, leading the battle against the motion to take up rules in 1953, relied heavily upon the quotation from Senator Allen in the 1841 debate, despite the fact that Senator Allen's statement and his theory had been repudiated by a majority of the Senate when it voted to dismiss the printer. In other words, those who relied upon the statements of Senators Allen, Buchanan, and their colleagues were relying upon the arguments of the defeated side; it was as though, in arguing to a court, a lawyer had relied upon a decision that had been overruled.

B. Precedent 2.—Abrogation of the joint rules in 1876: The story of the abrogation of the joint rules and their relevance to the present issue was well stated in the Leadership Conference Brief, 99 CONGRESSIONAL RECORD 187, and quoted in the 1957 brief submitted by Senators joining in the motion to take up rules (103 CONGRESSIONAL RECORD 24, 26). We again quote that statement in full:

"In the First Congress the Senate and House adopted joint rules to govern the relationship and necessary business between them. Annals of Congress, 57–58, 987. Thereafter, these joint rules of the two Houses were treated as in force and revised and amended, although the Senate and House did not adopt them at the beginning of each Congress.

"In 1865, rule XXII of the joint rules was adopted in an attempt to settle the longstanding controversy on the method of counting electoral votes. In 1869, there was a violent quarrel between the two Houses of Congress over the effect of this particular joint rule. This led to a determination by a portion of the Senate to rescind that rule, in anticipation of any problems over the counting of electoral votes which might arise from the 1876 presidential election (Haynes, op. cit., supra, page 245 et seq.). The desire of the Senate to eliminate joint rule XXII led to the end of acquiesence of each new Senate in the continuation of the joint rules and the Senate in the 1st session of the 41st Congress, after 87 years of unbroken historical usage, demonstrated its right to adopt new joint rules at the beginning of each new Congress.

"On December 15, Senator Edmunds, of Vermont, introduced a resolution to adopt the joint rules in force at the close of the last session of Congress. Senator Bayard, of Delaware, asked whether this was necessary, and Senator Edmunds answered:

" 'That, as a celebrated Englishman said, is past finding out. The object of this resolution is to ascertain from the proper Committee on Rules (which had jurisdiction over the joint rules as well as the Standing Rules of the Senate) whether the joint rules that were in force at the last session of Congress are in force now without any vote; and, if so, upon what principle of law or joint proceeding; and if not, of course to take some steps to have some joint rules between the two Houses,' (4 CONGRESSIONAL RECORD 220).

"The resolution was referred to the Committee on Rules, which reported it back favorably with a technical amendment making it a concurrent resolution. Senator Hamlin argued that the joint rules operated only by acquiescence (4 CONGRESSIONAL RECORD 309). Considerable heated discussion ensued, in which widely different theories as to the effect and validity of the joint rules were stated. The one point receiving constant reiteration was that the joint rules had operated by acquiescence, and must be subject to change. Senator Hamlin, as he gave the committee report, stated it as follows:

" 'It is only by acquiescence in long years that they have been treated and regarded as rules, and not by an affirmative vote either of the House or of the Senate' (4 CONGRESSIONAL RECORD 309).

"Recognition that common consent or acquiescence could give validity to that which was otherwise doubtful only so long as the acquiescence continued was voiced by Senator Merrimon, who said in the course of this debate (4 CONGRESSIONAL RECORD 431–432):

" 'It seems, as the venerable Senator from Maine [Mr. Hamlin] stated on a former occasion, that this matter has passed uniformly from the beginning of the Government down to this time without question. The question is now raised, and if today some action of Congress should be required under the joint rules, and a Senator should rise and say "I object," there would be the end of it. It is only by common consent that the practice to which I have referred has prevailed.'

"Despite the appeals to history, longstanding practice, and the venerability of the joint rules, the Senate voted to reject a substitute resolution which would have treated the rules as in force and provided for an amendment of those rules, and accepted the initial resolution which was framed on the theory that no joint rules existed at the opening of the new Congress (4 CONGRESSIONAL RECORD 519).

"Thus, the Senate passed a concurrent resolution adopting the joint rules anew for the 44th Congress. The House never passed this resolution. The Senate, at various times, since then has made an effort to have joint rules passed but they never have succeeded. (Gilfrey, Precedents, 1914, p. P–441; Hinds, secs. 6782–6787.) In most respects the House and Senate now operate in the same manner as they did under the joint rules on some theory of usage.

"The decision, by vote of the Senate, that the joint rules were not in effect demonstrated that the joint rules had existed only by acquiescence and that the acquiescence of even 87 years was in no way binding when a majority manifested its will to the contrary. It also showed conclusively that the method by which the majority in such a situation manifests its will is by the adoption of new rules and not by amendment of the old ones."

C. Precedent 3—Senator Walsh's resolution and arguments in 1917: At the opening of the 65th Congress in March 1917, Senators Owen of Oklahoma and Walsh of Montana raised the question whether the rules of the preceding Senate were binding upon the new body.

Senator Owen, on the first business day of the Senate of the new Congress, March 6, 1917, refused to permit a bill to be referred to committee on the ground that committees were not in existence at the beginning of this new Congress, and Senator Walsh supported Senator Owen's contention.

On March 7, Senator Walsh presented a resolution squarely raising the issue whether the rules carried over from Senate to Senate and presented his now famous argument against the old rules being utilized to frustrate the right of the Senate of the new Congress to adopt rules for its governance. Said the Senator: "A majority may adopt the rules in the first place. It is preposterous to assert that they may deny to future majorities the right to change them."

On the evening of March 7, after Senator Walsh's resolution and speech, caucuses of both parties voted to approve a change in rule XXII to provide for cloture by a two-thirds vote. The resolution was debated by unanimous consent without ever being referred to committee and was adopted on March 8, 1917 (76 yeas, 3 nays). Senator Walsh, who had accomplished his purpose of obtaining the cloture rule he sought, dropped his resolution.

D. Precedent 4—Vice President NIXON'S Advisory Rulings in 1957 and 1959.

At the opening of the 85th and 86th Congresses in 1957 and 1959, several Senators made parliamentary inquiries of Vice President NIXON. With clarity and consistency the Vice President gave repeated advisory rulings that a majority of the Senate of a new Congress can act to adopt its own rules without the obstruction of actions and rules of the Senate of an earlier Congress and that a motion to cut off debate would be in order against a filibuster attempt to prevent a determination of the rules to govern the Senate of the new Congress. These rulings are quoted earlier in this brief and will not be repeated here. But even a cursory glance back at these rulings will be sufficient to make clear that they follow the Constitution and precedents with logic and reasoning.

Thus, in the four closest precedents, the Senate, while some of its Members talked "continuous body" and others talked in a contrary vein, each time supported the right of the Senate to adopt new rules unfettered by past actions. The printer was dismissed in 1841 despite the argument that this could not be done in the face of the action of the Senate of the earlier Congress; new joint rules were adopted in 1876 despite the action and acquiescence of the Senate of the earlier Congresses; a new cloture rule was adopted in 1917 by overwhelming agreement once the argument was made that the old rules did not bind the Senate of the new Congress; and the Vice President's advisory rulings in 1957 and 1959 were well received by the Senate.

III. The Senate of Each New Congress Makes a Fresh Start on All Activities; It Has a Right To Make a Fresh Start in Whole or in Part on Its Rules if a Majority So Desire

In every major activity the Senate recognizes a constitutional right of the Senate of each new Congress to determine both legislative and executive business anew. All consideration of bills,[6] resolutions, treaties and nominations starts at the beginning of each Congress without reference to or continuation of what has taken place in the past; new officers and committee members are elected in the Senate of each new Congress; when the Senate finally adjourns, the slate is wiped clean; the proceedings begin again in the next Congress.

For convenience, we present an analysis of the operations of the U.S. Senate in tabular form.

The thing that stands out in the analysis is that everything starts afresh with the possible exception of the rules.[7] And these, too, it is submitted start afresh in whole or in part the moment a majority of the Senators at the opening of the Senate of a new Congress so will it and so vote. All that has happened over the past years is that there has been acquiescence in the carryover of rules of the Senate from Congress to Congress.[8] Carryover of the rules based on acquiescence is certainly no precedent for arguing that the earlier rules bind the Senate of the new Congress in the absence of such acquiescence. Absent acquiescence, the Senate of the new Congress has power to adopt its rules at the opening of the new Congress unfettered by any restrictive rules of earlier Congresses. The acquiescence in rule XXII will be ruptured when the resolution proposed herein is offered on January 3, 1961.

IV. The Talk About the Senate Being a Continuing Body Is Both Misleading and Irrelevant; Whether or Not the Senate Is Properly Termed a Continuous Body as an Academic Matter Does Not Determine Whether a Majority of the Senate of the 87th Congress May Adopt Its Own Rules Unobstructed by the Actions and Rules of the Senate of Earlier Congresses

As we have seen in points II and III, the Senate has not in the past acted as a continuous body.

Analysis of the operations of the U.S. Senate

Activity	Senate acts anew in each Congress	Senate bound by Senate of preceding Congress	Comment
1. Introduction of bills	X		See Senate rule XXXII.
2. Committee consideration of bills	X		Do.
3. Debate on bills	X		Do.
4. Voting on bills	X		Do.
5. Election of officers	X		While the old officers carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over; they do not.[1]
6. Consideration of validity of senatorial elections	X		Although credentials of a Senator-elect are often presented to the Senate prior to the beginning of his term, the validity of the credentials can only be considered by the Senate to which he was elected and not before.
7. Consideration of treaties	X		See Senate rule XXXVII(2).
8. Submission and consideration of nominations	X		See Senate rule XXXVIII(6).
9. Election of committee members	X		See rule XXV. While old committees carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over; they do not.
10. Adjournment	X		Adjourns sine die. When Congress ends at noon of a particular day, and a special session of the Senate of the new Congress is called, the Senate adjourns at noon, and one minute afterward opens the new session.
11. Rules	(?)	(?)	Past practice of Senate on rules is ambiguous. It can be explained as acquiescence in past rules, which can either be repeated at the opening of the Senate of any new Congress by beginning to operate under them or which can be refused by the adoption of new rules in whole or in part.

[1] Similarly, the fact that the President pro tempore carries over until there is a change of party control of the Senate is no evidence of rules carryover. On the contrary, the fact that an election of a President pro tempore automatically follows a shift in party control (see 99 CONGRESSIONAL RECORD 9,) is evidence that the Senate of each new Congress responds to the will of the majority of the Senate of that Congress.

It did not act as a continuous body in 1841 when it dismissed the printer chosen by the Senate of the earlier Congress; it did not act as a continuous body in 1876 when it adopted new joint rules; and it did not act as a continuous body in 1917 when it yielded to the contrary arguments of Senator Walsh and adopted the cloture rule he demanded (point II).

It does not today act as a continuous body; it wipes the slate clean on bills, resolutions, treaties, and nominations at the beginning of each new Congress (point III).

It would be circular reasoning, indeed, to argue that, despite these actions, the Senate is a continuous body because it has acquiesced in the carryover of rules in the past and is now bound to continue to acquiesce in the old rules because it is a continuous body.

No one would deny that many Senators have talked in terms of a continuous body and that textbook writers have accepted this talk in their academic works. But the talk has been largely by those who tried—unsuccessfully—to use the phrase to prevent Senate action departing from that of the Senate of an earlier Congress and who have failed in their efforts.[9]

[6] As was well said in the 1957 brief of the Legislative Reference Service of the Library of Congress, in referring to the fact that no action in connection with bills carries over from the Senate of one Congress to the Senate of the next Congress:

"This necessary practice is not grounded upon a rule only but upon art. I, sec. 1, of the Constitution of the United States which vests all legislative power in the Congress. As the legislative business of one Congress cannot carry over to a subsequent Congress, a fortiori, the legislative business of one part of the Congress cannot carry over to that part of a subsequent Congress."

[7] It has been suggested that the very fact that the Senate rules referred to in the above analysis provide that Senate bills, resolutions, treaties, nominations, etc., start afresh is evidence that, in the absence of these rules, Senate activities and business would not start afresh. There are several answers to this suggestion: (1) The rules codified rather than reversed existing practice. (ii) At least with respect to legislative business, starting afresh is a constitutional necessity. See note 6, supra. (iii) Senate rule XXXII provides for the continuation of legislative business from session to session of the same Congress; the existence of this rule hardly proves that the opposite would be true in the absence of rule XXXII. No more does the existence of the various rules providing that Senate business and activities start afresh in a new Congress prove that the opposite would be true in the absence of these rules.

[8] Except, of course, in 1917, when Senators Walsh and Owen refused to acquiesce until the Senate adopted the cloture rule they sought, and in 1953, 1957, and 1959, when Senators joining in the Anderson motion refused to do so and the Senate, in voting to table the Anderson motion, indicated its acquiescence in the old rules.

[9] We have already seen (point II, A) how Senator Taft and others quoted Senator Allen and his colleagues who were on the losing side in the 1841 debate over the dismissal of the printer.

The essence of the matter, of course, is that the term "continuous" is an adjective resulting from the two-thirds carryover of Senators, not a cause of any thing. Also, it can be appropriate when considering one aspect of the Senate and inappropriate when considering another. The adjective may, for example, be well used when it is simply meant to convey the fact that two-thirds of the Members of the Senate carry over to the succeeding Congress; but, equally clearly, the adjective "continuing" is inappropriate when it is intended to convey the idea of a body which wipes the slate clean in regard to bills, treaties, nominations, etc. (see point III). But whether or not the term "continuing" is a good or a bad adjective,[10] it has not been a successful adjective when utilized against concrete proposed action. It cannot prevail over article I, section 5 of the Constitution empowering each House "to determine the rules of its proceedings" nor sanction a device by which the Senate of a previous Congress attempted to fasten its will upon the future. Whether the Senate be continuous or not for other purposes, its bylaws (rules) are void where they conflict with its charter (Constitution). If, by saying that the Senate is a continuous body, it is intended to assert that the rules of yesterday can bind the Senate of the Congress of today, the simple answer is that the first obligation of the Senate is not to its rules but to the people and the Constitution from whence its power derives. There cannot be a constitutional obligation of the Senate to observe rules whose purpose and effect is to deprive it of its constitutional right to make its own rules.

Actually, parliamentary bodies generally have both continuous and discontinuous aspects. The House of Representatives, as we shall show in point V, has continuous aspects and yet no one refers to it as a continuous body and no one disputes its right to adopt new rules at the beginning of each Congress. By the same token, the Senate has both continuous and discontinuous aspects; its limited continuous aspects do not support the proposition that the Senate of an earlier Congress can prevent the Senate of a new Congress from acting upon rules as the majority may determine at the opening of the new Congress.

The relevant difference between the House and the Senate, which causes the latter to be described sometimes as a continuous body, is the fact that two-thirds of the Senators carry over from Congress to Congress. But the fact that two-thirds of the Senators carry over to the new Congress is not relevant to the question whether the rules of the Senate of one Congress bind the Senate of the next Congress. What is relevant is the fact that one-third of the Senators do not carry over and that, in the course of a very few years, a majority of the Senators do not carry over; and in the course of a little more than a generation, no Senator carries over.

The argument for the carryover of the rules seems to come down to this: Because two-thirds of the Senators carry over, the Senate is a continuous body; because the Senate is a continuous body, the rules carry over. Striking the words "continuous body" out of this formula, the argument comes down to this: Since two-thirds of the Senators carry over, the rules carry over. But this is a patent nonsequitur. It assumes that the carryover of two-thirds of the Senate always carries over a majority in favor of the rules. The infusion of one-third newly elected Senators—both by their numbers and their power of persuasion—may very well change the majority view on rules and it is this majority view that is determinative under our constitutional democracy, not who carries over. That the new one-third may change the majority on any matter is well illustrated by the shifting of the Senate from party to party over the years. The argument that the two-thirds carryover prevents the new majority from acting on the rules disenfranchises not only the newly elected one-third, but the new majority who are prevented from exercising their powers and duties to make the rules for their own work and laws for the people. To say that the Senate of the 87th Congress in 1961 is the same as the Senate of the 1st Congress in 1789 because two-thirds of its members carried over to the Senate of the 2d Congress is to prefer romantic form to rational substance and dubious academic theory to practical reality.

Some Senators genuinely believe the Senate is a "continuous body." Others genuinely believe that it is not, that it acts as a "discontinuous body." Both have the right to their opinions. But when a descriptive term resulting from nothing more than the carryover of two-thirds of the Senators is used as a reason for preventing the majority of the body from determining the Senate's actions, an adjective is being confused with a reason and an effect with a cause. The parliamentary deadfall dug by the Senate of a dead Congress, harmless enough as an abstraction, should not be permitted to stultify and destroy the power of the Senate and of the entire Congress in the present.

V. The Practice of the House of Representatives in Readopting Its Rules in Each New Congress Is a Relevant Precedent for the Senate

As we have noted many times in this brief, article I, section 5, of the Constitution provides that "each House may determine the rules of its proceedings." Article I, section 1 provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The Constitution contains reference after reference to the Congress of which the Senate is a coordinate part. Where any differences in the conduct or authority of the two Houses are intended, they are set forth in express terms in the Constitution and no difference is expressed in relation to the determination of rules. We believe, therefore, that the Senate can properly consider the history and practice of the House of Representatives in the adoption of its rules.

A. Brief history of House practice on adoption of the rules: The House in the First Congress, as one of its first acts, adopted rules of procedure, based on those used in the Continental Congress (Galloway, "Congress at the Crossroads" (1946), p. 13; Annals of Congress 121). The House of the Second Congress instituted the system, now in use, of adopting the rules of the prior House at the beginning of the session (3 Annals of Congress 143). This practice apparently continued until 1860. However, for the 30-year period from 1860 to 1890, the House operated under a system of acquiescence in past rules, without necessarily formally adopting new rules at the beginning of each Congress. During this period the House operated under a resolution providing that the 1860 rules of the House should be the rules "of the present and subsequent Congresses unless otherwise ordered." This rule remained in existence until 1890 and operated as the source of authority for the rules of the House.

In 1890, there occurred perhaps the most famous example of a change in basic legislative procedure in our country. Speaker Reed ruled that at the beginning of each new Congress the House operates under general parliamentary law until new rules are adopted. By so ruling, he made it possible for the majority of the House to adopt new rules which were designed to promote effective majority exercise of legislative functions and to prevent minority obstructionism (21 CONGRESSIONAL RECORD 1347; 99 CONGRESSIONAL RECORD 188, 189). Since 1890, House rules have been adopted anew by each incoming Congress. The 1890 episode demonstrates that acquiescence in the carryover of rules does not prevent the majority from acting when they no longer deem such acquiescence in the public interest.

B. Current House practice on adoption of the rules: Very early in the first session of each new Congress, on the first or second day, the ranking member of the (old) Committee on Rules offers a resolution adopting rules for the new Congress (Galloway, "Legislative Procedure in Congress" (1955), p. 15). The resolution often is phrased in terms of reference to the rules of the preceding Congress, although the rules are sometimes set out in full (see 99 CONGRESSIONAL RECORD 15–24). Unless a major change is proposed, debate is non-existent or perfunctory and the rules are adopted within a few minutes (see adoption of rules for 84th and 85th Congresses at 101 CONGRESSIONAL RECORD 11; 103 CONGRESSIONAL RECORD 47). Even when a controversial change has been proposed, the debate does not run on unduly (see adoption of new rules for the 81st and 82d Congresses at 95 CONGRESSIONAL RECORD 10; 97 CONGRESSIONAL RECORD 9).[11] During the period preliminary to the adoption of the rules, the House operates under general parliamentary procedure (21 CONGRESSIONAL RECORD 740–749; 99 CONGRESSIONAL RECORD 24) and under general parliamentary procedure debate on the rules can always be effectively closed by a call for the previous question (99 CONGRESSIONAL RECORD 24). The experience of the House within the last 50 years in adopting rules has proved conclusively that the necessity for periodic adoption every 2 years at the opening of each new Congress does not delay either the organization of the legislative body or the prompt consideration of legislative business.

C. Carryover of House Clerk: Perhaps the most striking example of a House procedure which, at first glance, is inconsistent with the House's view of itself as a discontinuous body is the carryover of the Clerk of the old House for the purpose of opening the new session of Congress in the new House. This procedure is described at 100 CONGRESSIONAL RECORD 188 (see also Cannon's Procedure in

[10] The passing reference to the Senate as a continuing body in *McGrain* v. *Daugherty* (273 U.S. 135), is much discussed and little analyzed. That case involved an investigation into the malfeasance of Attorney General Daugherty, which was begun in the 68th Cong., and the validity of a subpena to the Attorney General's brother which had been issued during the life of that Congress. Before the Supreme Court handed down its decision, the 68th Cong. had expired. In considering whether the case had become moot as a result of this fact, the Supreme Court pointed out that the Senate could now revive the committee "by a motion to that effect" and therefore there was a potential need for the information sought from Daugherty. All the Court held was that the Senate had power to revive a committee started in one Congress by action taken by the Senate in the next Congress. This decision did not involve the determination that the Senate was a continuing body for all purposes, since it dealt only with the problems of continuing investigations; actually, even the finding of the Senate's continuity in this respect is open to question, since a truly continuing body would not require a new motion to continue the work of the committee. In a word, the Court disproved its own dictum.

[11] In 1951, the proposed rules were amended and then adopted without undue interruption of House business even though efforts to close debate by use of the previous question motion were unsuccessful.

House of Representatives 175). It is now authorized by statute, although, of course, that statute, like the provisions of the Legislative Reorganization Act, is subject to change by the House in the exercise of its constitutional right to make its own rules. That statute, moreover, merely codifies a longstanding custom and House rule, under which the House operated prior to the statute. The carryover procedure is not limited solely to the Clerk, for, in case the Clerk is absent, the duty falls upon the Sergeant at Arms and next on the Doorkeeper (Hinds, "Precedents," 15). This well-known and unquestioned procedure offers a further convincing demonstration that necessary procedural carryovers, acquiesced in over a long period of time, do not change the nature of a legislative body and cannot obliterate nor diminish the constitutional and moral right of a majority of an American legislative body to make its own rules.

The House also carries over certain other functions. These are listed in sections 6748–6754 of Hinds, "Precedents." Hinds, in summarizing these carryover procedures, points out that, although the House becomes functus officio at the end of its terms, in practice certain rules extend into the new Congress. But the carryover of the Clerk and of other items by acquiescence does not deprive the House of its right to make new rules at the opening of a new Congress; no more does past acquiescence of the Senate in rules carryover deprive it of the right to make new rules at the opening of a new Congress when a majority of the Senators then elected and present so decide.

These practices and procedures of the House of Representatives are relevant to the debate concerning the adoption of new rules by the Senate. Because the House and the Senate operate as a team in a 2-year Congress, the Senate in each Congress starts anew with respect to legislative business. So does the House. (The Senate also starts anew in each new Congress the business relating to its special functions in connection with nominations and treatymaking.) Both organize their activities on a 2-year basis.

The sole significant difference between the two legislative bodies in our Congress is the duration of the individual Senators' terms and the rotation of one-third of the number of Senators every 2 years. The historical materials demonstrate that the longer term for Senators was established in order to provide a moderating force in Congress, a body which would have stability and the opportunity via its longer term to acquire specialized knowledge in the field of foreign affairs and some independence from the pressures of politics. (See Prescott, "Drafting the Federal Constitution," pp. 247–260.) It is equally clear from the debates in the Constitutional Convention that there was a firm desire to avoid the establishment of a permanent upper house similar to the House of Lords. Thus the Convention dismissed without even a vote a suggestion made that tenure might be for life. It rejected the proposal of a 9-year term in favor of the shorter, 6-year term. The fact that the Founding Fathers desired to give a measure of stability to one branch of the Congress cannot support any artificial theories abrogating the right of new Senators in each new Congress to have equal voice in establishing "the rules of its proceedings." If the rules cannot as a matter of actual fact be changed at the will of the majority, as in the House, the Senate will have been converted into that permanent, undemocratic and irresponsive body which it was the particular intention of the drafters of the Constitution to prevent.[12]

[12] Actually the precedent set by the House in adopting its rules at the opening of each Congress goes far beyond what is proposed here. The Senators backing majority rule are not now proposing the adoption of all the rules at the opening of Congress. All they are suggesting is the adoption of a new rule XXII and the right of the majority of the Senate of the new Congress to adopt that new rule XXII without obstruction in the form of action by earlier Congresses. Certainly the right to adopt a whole new set of rules unfettered by old rules includes the right to adopt one or more new rules unfettered by old rules.

VI. Majority Rule Is the Basic Principle of Legislative Action Prescribed by the Constitution of the United States: The Rulings of the Vice President Should Be Made in 1961, as in 1957 and 1959, in the Light of the Fact That His Decision May Well Determine Whether Constitutional Majority Rule Is To Be Regained in the Senate of the United States

Majority rule has not existed in the Senate of the United States for many years. The filibuster and the threat of filibuster have prevented the majority from carrying out its will in the Senate and thus in the Congress. This is in direct opposition to the letter and spirit of the Constitution which established majority rule as the basic principle of our Government, and the basis of the enacting power of the Houses of Congress. The Supreme Court has aptly described the principle of majority rule as one "sanctioned by our governmental practices, by business procedure, and by the whole philosophy of democratic institutions." *N.L.R.B.* v. *A. J. Tower Co.* (329 U.S. 324, 331).

The pervasive need for majority rule was recognized at the Constitutional Convention. Alexander Hamilton, writing in the Federalist, No. XXII, strongly emphasized this need as follows:

"To give a minority a negative upon a majority (which is always the case where more than a majority is requisite to a decision) is, in its tendency, to subject the sense of the greater number to that of the lesser * * *. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to national proceedings."

The authors of the Constitution prescribed majority rule as the rule for congressional action by expressly enumerating all the instances in which more than a majority vote was to be required. These special cases were limited to five. There are two-thirds requirements in connection with (1) the power of Congress to override the veto, (2) senatorial ratification of treaties, (3) the initiation by Congress of proposals to amend the Constitution, (4) the impeachment power, and (5) the expulsion of Members of Congress. In these rare instances, where it was felt necessary to make exceptions to majority rule, the Constitution expressly said so (art. I, sec. 7; art. II, sec. 2;art. V; art. I, sec. 3; art. I, sec. 5).

This detailed specification of the two-thirds requirement in connection with particular powers demonstrates that, when Congress was to operate other than by majority rule, it was so instructed by definite language in the Constitution. When a document, as carefully drafted and considered as was the Constitution, enumerates particular exceptions to a general rule, it must be concluded that no other exceptions were intended to be made. As the Supreme Court said in *Addison* v. *Holly Hill Co.* (322 U.S. 607 at 617): "Exemptions made in such detail preclude their enlargement by implication."

The framers of the Constitution gave further evidence of their intent that the majority rule should govern in all except the five specified instances by the great care with which they limited the two-thirds requirement. At least two separate instances are recorded in which the convention rejected efforts to impose a two-thirds requirement on legislation:

1. On August 29, a motion to limit the national power over interstate and foreign commerce by a two-thirds provision was made and rejected. Mr. Sherman, in arguing against the motion, stated that "to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress" (referring to the Congress under the Articles of Confederation).

2. On September 15, another attempt to fetter Congress' control over navigation by a two-thirds limitation was unsuccessful (Farrand, "Records of the Federal Convention of 1787").

In addition to the rejected attempts that were made to limit the majority principle in connection with substantive powers, the motion in the Constitutional Convention to raise the quorum provision (art. I, sec. 5) from a majority to two-thirds was overwhelmingly put down. Some members of the Convention even feared that a majority was too large a number. George Morris pointed out that "the secession of a small number" might "in the national councils * * * be fatal," and this fear of his was concurred in by a number of others who spoke on the subject (Prescott, "Drafting the Federal Constitution," p. 425 et seq.). Accordingly, the Congress was given power to compel the attendance of absent members so that a majority could be gathered together and the business of the Congress dispatched.

Majority rule is the constitutional measure for legislative action. As Senator Thomas of Colorado pointed out in debating the cloture rule of 1917, "majority rule is an essential principle in American Government" (55 CONGRESSIONAL RECORD 33). Yet this fundamental constitutional principle can only be reestablished in the U.S. Senate through new rules, in whole or in part, at the opening of the Senate of a new Congress. If this route is blocked by a ruling of the Vice President or otherwise, there will be no way to carry out this basic principle of the Constitution and to implement the Supreme Court's statement that a House of Congress "may not by its rules ignore constitutional restraints * * *" *United States* v. *Ballin* (144 U.S. 1, 5).

VII. Conclusion

Article I, section 5 of the Constitution gives the Senate of each succeeding Congress, just as it gives the House of each succeeding Congress, the power to act on rules without regard to anything that the Senate of an earlier Congress may have done (point I). We have seen how the fundamental principles of democratic government require that the majority of the Senators of each new Congress have the right to act unfettered by an earlier majority (point I). We have seen how the Senate has refused to be bound by the action of the Senate of earlier Congresses whenever its own majority desired to take action (point II). We have seen how the Senate wipes the slate clean at the opening of each new Congress (point III). We have seen how the Senate has talked continuity and acted discontinuously (point IV). We have seen that the history and practice of the House of Representatives is a relevant precedent in favor of a ruling that a majority of the Members of the Senate of the 87th Congress have power to adopt rules at the opening of the new Congress unfettered by any restrictive rules of earlier Congresses and thus a majority of the Members of the Senate of the 87th Congress have power to terminate a filibuster by a motion

for the previous question or a motion to cut off debate where such action is necessary to determine the rules that will govern the Senate of the 87th Congress (point V). We have seen that the proposed action at the opening of Congress is the only method to restore the constitutional principle of majority rule to the Senate of the United States (point VI).

For all these reasons, we urge the Vice President, acting as President of the Senate, to reassert his advisory rulings of 1957 and 1959 and thus to make possible a return to the constitutional principle of majority rule.

Respectfully submitted by Senators joining in motion to amend rule XXII.

HUBERT HUMPHREY.
THOMAS KUCHEL.
PAUL H. DOUGLAS.
JACOB JAVITS.
JOSEPH S. CLARK.
CLIFFORD CASE.

THE PREVIOUS QUESTION IN THE SENATE

Mr. DOUGLAS. Madam President, I now ask unanimous consent to have printed in the RECORD a discussion of the issue of the previous question in the Senate. I may say that I prepared it for the subsequent debate in 1957. It goes int. the history of moving the previous question in the Senate and also in the British House of Commons.

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

THE PREVIOUS QUESTION IN THE SENATE

Mr. DOUGLAS. Mr. President, from time to time during the debate over whether the Senate should proceed to adopt new rules, it was said by the eminent Senator from Georgia [Mr. RUSSELL] that, contrary to published reports, the previous question motion, which was a part of the Senate rules from 1789 to 1806, did not have the effect of closing or limiting debate; and that in the practice of the Senate in those years, there had been no effective rule to limit debate which could be invoked by a simple majority.

It has also been said by the Senator from Georgia and others that in those early days of the Senate, the previous question rule was not one whose usage was like the present usage of the previous question in almost every parliamentary body, the effect of which is to cut off debate, but that it was used then to postpone a matter, the effect of which was said to be to follow the usage of the British Parliament and the Continental Congress.

Mr. President, this may seem to be a highly academic matter to discuss, but since the Senate places so much emphasis upon precedents, and since the question of a substitute for unlimited debate involves the use of the previous question, and since, if we move to adopt new rules in the coming Congress, debate will take place under general parliamentary law, which includes the previous question, it is very important that we know what the precedents, so far as the use of the previous question is concerned, have been in both the United States Senate and the British Parliament, and also, let me say, in the Continental Congress.

I have had my office notify the office of the Senator from Georgia that I intended to discuss this subject this afternoon. So I have tried to comply with the usages and practices of the Senate.

My main purpose in speaking today is to examine the records and the documents and to show that, first, in the early Senate, the moving of the previous question could be used as a motion to end debate; in fact, it was moved with the intention of stopping debate; on two occasions its effect was to stop debate, and it was carried by a majority vote; and, second, while the previous question could also have the effect of postponement, that point is only half the story, for in both the British Parliament and the Continental Congress the motion was also used to stop debate.

I shall develop these points as I go along.

SAME POINTS MADE IN 1953

When the Anderson motion, that the Senate proceed to adopt its rules, was before the Senate in 1953, the same contention was made, namely, that the "previous question" had first only been a motion to postpone consideration rather than a motion to end debate and bring a measure to a vote. In particular, the brief placed in the RECORD on behalf of those who opposed the Anderson motion to proceed to adopt the rules of the Senate, contained such statements.

That brief was printed as a Senate document, Senate Document No. 4, 83d Congress, 1st session, and the statement is on page 11 of that publication.

That brief was placed in the RECORD again this year. Various sources were quoted in that brief as saying that the motion, the previous question, which was a part of the rules of the Senate from 1789 to 1806, could not be used to end debate and bring a vote—as in fact it was used—but was a motion to postpone consideration of a bill before the Senate and that it was debatable. In particular, the brief quotes from an article written by Henry Cabot Lodge in the North American Review of November 1893, entitled "Obstruction in the Senate." This is what he wrote:

"There never has been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, was abandoned in 1806, was the previous question of England and not that with which everyone is familiar today in our House of Representatives. It was not in practice a cloture and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate" (p. 11).

This passage from what Senator Lodge wrote has been extensively used, and, as I shall later show, it is almost completely wrong.

While quoting from that brief during the 1953 debate, the late Senator Robert Taft also quoted from an article in the Congressional Digest of November 1926. That article said in part:

"The previous question was provided for in the first Senate rules found in the Annals of the First Congress from 1789 to 1791. Rules VIII, IX, and XI, related to the previous question but were rarely used. Like the precedents for the rule in the British Parliament and the Continental Congress when it was used in the early days of the Senate it did not limit debate but avoided a vote on a given subject. The previous question was debatable * * * but not on amendments." (CONGRESSIONAL RECORD, vol. 99, pt. 1, p. 112.)

I shall show today, Mr. President, that both of those statements, the statement of Senator Lodge and the article in the Congressional Digest, are not accurate, and that they have misled a great many eminent students of parliamentary law and Members of the Senate.

On the opening day of this session of Congress, January 3, 1957, I received permission to place in the body of the RECORD a number of papers bearing on the power of the Senate to change its rules, and of the necessity of doing so. Among these was an article written for the Washington Post and Times Herald by Irving Brant, the biographer of President Madison. It was published under the heading "Absurdities and Conflicts in Senate Rules Are Outlined," and appeared on January 2, 1957.

Ordinarily an article in a newspaper, on the subject of senatorial powers and privileges does not unduly attract the attention of any of my colleagues. This one, however, attracted the attention of one of our most distinguished Members, the senior Senator from Georgia, and on January 4 he addressed himself to it in debate. His particular objection to the article was to the following sentence in a thumbnail chronology of Senate rules on debate:

"From 1789 to 1806, debate on a bill could be ended instantly by a majority of Senators present, through adoption of an undebatable motion for the previous question."

This, my distinguished colleague declared, was completely incorrect.

"If," said he, "Mr. Brant had been as zealous in his research, and in seeking and producing the facts as he was in being an advocate in this matter, he would have found that there was absolutely no relationship, except in name, between the previous-question rule which applied in the Senate in those days."

And, I presume, he meant the previous-question rule as it is employed in other bodies to put an end to debate. Concerning the early Senate rule he asserted:

"That was the previous-question rule from the British Parliament, which applied in that body for many years. A motion for the previous question was in the nature of a motion to postpone consideration of a bill before the Senate. It was open to debate. It could be debated without let or hindrance of any kind. It was merely a method of disposing of a measure before the Senate without taking action on it at that time."

Further, Mr. Walter Lippmann, who repeated Mr. Brant's point in an article of his own on rule XXII, was also said by my eminent colleague to have been in error concerning the early practice of the Senate.

Late last December, before the debate on rule XXII, I asked the Library of Congress to go into this matter and to see what actually had happened in the Senate under the previous-question rule in effect from 1789 to 1806. I asked them to go to the original sources—the Senate Journals and the Annals of Congress—and to send me abstracts of the proceedings as given in those historic journals. At the very time Mr. Brant's statement was being called into question on the floor of the Senate, and while his academic qualifications were being rather roughly treated, I actually held in my hand the abstracts from the original Journal of the Senate, the Executive Journal, and the Annals of Congress, which showed that Mr. Brant was substantially correct. In fact at that point in the debate I asked the distinguished Senator who was speaking to yield to me. I made that request so that I might throw some light on the statements concerning the use of the previous-question motion in the Senate from 1789 to 1806. My attempted interruption will be found in the CONGRESSIONAL RECORD, volume 103, part 1, page 153, which I hold in my hand.

It will be noted that because we were under very strict time limitations—which was something of a paradox, for we were debating the issue of unlimited debate in the Senate of the United States—my request to the distinguished Senator to yield was refused.

Further, Mr. President, on that very day I had a member of my staff deliver a copy of the abstracts from those early Senate debates to the Parliamentarian of the Senate.

Now, Mr. President, I desire to take up four general matters.

First, I feel obligated to discuss the qualifications of Mr. Brant and to defend what is, indeed, described as an excellent reputation for historical and scholarly work—a

reputation which is in no way diminished by the article he wrote for the Washington Post.

Second, I wish to take up, one by one, the occasions on which the previous question was moved in the Senate of the United States in the years 1789–1806.

Third, I desire to discuss the issue of whether or not the motion for the previous question was, in fact, debatable "without let or hindrance."

Finally, I wish to say a few words about the historical evolution of the use and meaning of the previous question motion in the United States and in the British House of Commons.

I

Before speaking about Mr. Brant's qualifications, I wish to state that he has written to me on the subject of his article in the Washington Post and the previous question motion. He apparently welcomed the suggestion that he should devote himself with zeal to seeking and producing facts. He has done so. At the end of my remarks I shall place in the RECORD a memorandum which he has prepared on the development of cloture and the previous question in American and British practice. It includes a penetrating study of the Senate's use of the previous question, probing the motives and purposes of the Senators who invoked it and of those who opposed it. I think that the way in which he has performed this task will impress even those who might be inclined to be critical.

Along with this memorandum, Mr. Brant has written me a letter which does not take up the highly involved Senate cases, as does his memorandum, but summarizes the results of his research into the debatability of the motion for the previous question in the Senate, and the part that motion has played in the development of cloture both in the United States and England. As this letter goes briefly and directly to the main points at issue, I desire to read it to the Senate:

WASHINGTON, D.C.,
January 24, 1957.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: The article I wrote for the Washington Post and Times Herald on the right of the present Senate to change its rules without being thwarted by a past Senate appears to have become a matter of controversy since you placed it in the CONGRESSIONAL RECORD. The senior Senator from Georgia said on the floor that I was completely in error in stating that from 1789 to 1806, "debate on a bill could be ended instantly by a majority of Senators present, through adoption of an undebatable motion calling for the previous question."

There was, said the Senator, "absolutely no relationship, except in name, to the previous-question rule which applied in the Senate in those days." The Senate rule from 1789 to 1806, he contended, "was the previous-question rule from the British Parliament, which applied in that body for many years. Such a motion, he said, "could be debated without let or hindrance. It was merely a method of disposing of a measure without taking action on it at that time."

My reference to the motion for the previous question as undebatable needed a qualification which was not given in that chronological summary of Senate practice. Under rule XVI, then in force, a filibustering debate on the motion for the previous question could be stopped at any moment by the Presiding Officer. The rule provided that "every question of order shall be decided by the President without debate." It was not until February 14, 1828, that rule XVI was amended to allow an appeal from the decision of the Chair. Instead of being debatable "without let or hindrance," the motion for the previous question was protected by so sweeping a control by the Vice President that the mere existence of the power made obstructive tactics futile.

In his reference to British and American parliamentary practice, the Georgia Senator took no account of the fact that adoption of the motion for the previous question closed debate instantly and completely, regardless of the motive for invoking it, and brought the main question to an immediate final vote. He also overlooked the interrelated development of the previous question and cloture in the two countries, and the deliberate use of the previous question in the United States to accomplish what the British achieved through cloture.

In the American Continental Congress, the motion for the previous question was so worded as to indicate the purpose of avoiding a vote, even though the effect might be to force one. The same wording is used in the House of Commons. Until recently, I shared the supposition that this early American form was based on British precedent. The truth is that in the 1880's, scores of years after the motion for the previous question had become a universal instrument of cloture in the United States, the House of Commons reached the same end by placing the label of "closure" on the familiar wording (exactly the same except for the irrelevant word "the") in which the motion for the previous question was phrased. The House of Commons then reworded the motion for the previous question by adopting the form used in our Continental Congress—a wording, wrote Clerk of the House Sir Thomas Erskine May, "which appears to be a superior form to that used in this country." Thus, England split the system in two while we use one motion for two purposes.

Where does this leave our defenders of the right to filibuster? They are compelled to appeal to the English practice of the 17th century in order to deny the propriety of an American practice which England took over from America in the 19th century.

Although the constitutional power of the Senate to make its own rules is not governed by the way that power has been exercised in the past, it is well worth while to examine the use of the previous-question rule during the period it existed in the Senate. In doing so, it is not my purpose to draft a brief but to describe each use of the motion with absolute impartiality, not merely in terms of its technical effect, but by seeking out the source, motives, and legislative consequences of the invocation. The factual material ought to be useful to both sides in the current conflict, even though the conclusions which I reach from the record may be displeasing to one group.

Enclosed is a memorandum on the Development of Cloture and the Motion for the Previous Question in America and British Practices.

Yours sincerely,

IRVING BRANT.

I shall later ask to have the memorandum which Mr. Brant submitted printed in the RECORD.

Mr. President, since the qualifications of Mr. Brant were called into question, and since some ridicule was heaped upon him, I think it is only proper to speak about the prominence of Mr. Brant as an historian.

I have in my hand five volumes which Mr. Brant has completed on the life of James Madison, which tell the story of Madison from birth through his first term as President, to the outbreak of the War of 1812. I have read all of these volumes. I have read two or three of them several times. I can say that they rank, in the field of biography, with Dumas Malone's Life of Jefferson and with Carl Sandburg's Life of Lincoln. I have read reviews of these books in the historical journals of this country and have noted with pleasure the high praise which the eminent historians who are specialists in this field have heaped upon the work of Mr. Brant.

It so happens that Mr. Brant has specialized in the very period which is under discussion today, the period from 1789 to 1806, and then the later period in which the President of the Senate had power to close debate on his own action, that is until 1828.

Mr. Brant does not accept secondary sources. He goes back to primary sources in every case. He takes no one's word for what happens. He goes to the original documents and to the records of the Senate and the House, and of the Constitutional Convention, as well as letters of contemporaries and contemporary diaries. His work is a magnificent piece of American scholarship, and students of American history know that he really needs no defense.

I wish to make the prophecy that when his final volumes appear, it is quite probable that he will be awarded the Pulitzer Prize, although, of course, I have no power to bestow that prize on him. In any event, I think there can be no doubt about the qualifications of Mr. Brant. I am sure that when the eminent Senator from Georgia, with his characteristic sense of fairness, reviews the evidence, he will not wish to stand on the criticisms which he made of Mr. Brant's scholarship.

Mr. President, I wish to read an excerpt from a letter from one of the most eminent American historians, Henry Steele Commager, professor of history at Columbia and at Amherst College, who is one of the best known and authoritative of historians. This letter concerns Mr. Brant. I wrote him asking for his judgment as to how Mr. Brant stood in the profession. I should like to read the salient portion of the letter, which was sent to me under date of April 13, 1957:

"Brant's Madison, which has now reached five volumes, is by universal agreement of American historians, one of the most impressive achievements of American historical writing of our generation. Thorough, critical, judicious, comprehensive, well written, it has the quality that so few biographies have, of doing the job so completely and so well that it does not have to be done over. What is perhaps most impressive about Brant's work is that it is based entirely on original research, that it takes nothing for granted but goes to the sources, that it maintains the very highest standards of rigid scholarship. Whatever may be said of Brant's interpretations—and there will always be differences of interpretation—this can be said with confidence, that Brant's historical scholarship is impeccable and unimpeachable."

II. THE PREVIOUS QUESTION MOTION AS USED IN THE SENATE OF THE UNITED STATES, 1789–1806

I now come to the subject of the previous question as it was four times employed in the U.S. Senate from 1789 to 1806.

I wish to say, as a matter of clarity, that the "previous question" in the Senate in those years was put in two different forms, although the rules provided that it could only be put in the affirmative.

Those two forms were the affirmative form and the negative form. The affirmative form, as provided in the rules, was "Shall the main question be now put?" The negative form, which was not provided for in the rules, was worded, "That the main question be not now put."

Depending upon the form and the vote, one of two results could flow from either of these motions. The result could be, first, to end debate and bring a vote on the main issue; or second, to postpone.

When the motion was put affirmatively, namely, "Shall the main question be now put?" a majority of the Senators voting "yea" could close debate and the original motion could be brought to an immediate vote. Later I shall deal with the question of whether it could be debated without let or hindrance.

When the previous question motion was put in the negative, namely, "That the main question be not now put," a majority of the Senators voting "nay" could close debate and a vote could be brought immediately on the main question.

In other words, a negative vote on the negative form meant that all the debate was shut off, and the main question was put. There was no hiatus, no interregnum.

On the other hand, when the majority voted "nay" when the motion was put in the affirmative, this had the effect of postponing consideration. Also when the majority voted "yea" when the motion was put in the negative, this had the effect of postponing consideration.

Therefore, I wish to draw the first main point. That is that every form of the previous question—affirmative or negative—could bring the main question to a vote depending upon the will or sense of the Senate. That is to say that the previous question when put affirmatively ended debate when passed in the affirmative, and when put negatively, it ended debate when passed in the negative and brought the main question to an immediate vote, without further debate.

To put it in a slightly different way, when the vote on the previous question motion corresponds directly with the form of the question, debate is closed and a vote is taken on the main issue. That is to say a "nay" vote to the negative form of the question results in closing debate and bringing the main question to a vote, and an affirmative vote on the affirmative form of the question results in closing debate and brings the main question to a vote.

Now I wish to turn to the four cases when the motion was used in the Senate. I shall not discuss them at length at this time for that should wait until Senators have had an opportunity to read the facts about them which are presented in Mr. Brant's memorandum. However, I shall give a brief summary of those cases as well as the abstracts of them from the Senate's records, and, of course, they are found in the Executive Journal of the U.S. Senate, and the annals of the Eighth Congress, first session, as well as the Journal of the first session of the Senate of the United States, which is still in the rarebook room in the Library of Congress.

In August of 1789, the Senate had before it a bill entitled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes." On August 17 and 18, 1789, the previous question was moved on each day and put in the form provided in the rules: Shall the main question be now put? On both occasions, which I am here using as a single case, the motion was defeated. The effect was to postpone the main question and it appears that this was the purpose of moving the motion. It is also clear that had the motion passed in the affirmative, the effect would have been to bring the matter to an immediate vote.

I ask unanimous consent that at this point in the RECORD there be printed the abstracts from the debates on August 7, 13, 14, 17, 18, 19, and 20, 1789, which are found in the Journal of the first session of the Senate of the United States.

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

"[Journal of the first session of the Senate of the United States]

"ABSTRACT 1

"(Friday, August 7, 1789)

"A message from the President of the United States, by General Knox

"Gentlemen of the Senate, the business which has hitherto been under the consideration of Congress, has been of so much importance, that I was unwilling to draw their attention from it to any other subject. But the disputes which exist between some of the United States and several powerful tribes of Indians within the limits of the Union, and the hostilities which have in several instances been committed on the frontiers seem to require the immediate interposition of the general Government.

"I have, therefore, directed the several statements and papers which have been submitted to me on this subject, by General Knox, to be laid before you for your information.

"While the measures of Government ought to be calculated to protect its citizens from all injury and violence, a due regard should be extended to those Indian tribes, whose happiness, in the course of events so materially depends on the national justice and humanity of the United States.

"If it should be the judgment of Congress that it would be most expedient to terminate all differences in the southern district, and to lay the foundation for future confidence by an amicable treaty with the Indian tribes in that quarter, I think proper to suggest the consideration of the expediency of instituting a temporary commission for that purpose, to consist of three persons, whose authority should expire with the occasion. How far such a measure, unassisted by posts, would be competent to the establishment and preservation of peace and tranquility on the frontiers, is also a matter which merits your serious consideration.

"Along with this object I am induced to suggest another, with the national importance and necessity of which I am deeply impressed; I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure, on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe that I am particularly anxious it should receive as early attention as circumstances will admit; because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of the many well-instructed officers and soldiers of the late Army; a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved, would be to neglect an opportunity which will never again occur, unless, unfortunately, we should again be involved in a long and arduous war.

"GEO. WASHINGTON.

"NEW YORK, *August 7, 1789* (pp. 89–90).

"(Thursday, August 13, 1789)

"A message from the House of Representatives

"Mr. Beckley, their Clerk, brought up a bill, entitled, 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same,' together with the papers referred to in the President's message of the 7th of August—and he withdrew.

"The bill entitled 'An act providing for the expenses which may attend negotiations of treaties with the Indian tribes, and the appointment of commissioners for managing the same,' was read a first time, ordered, that tomorrow be assigned for a second reading (pp. 95–96).

"(Friday, August 14, 1789)

"Proceeded to a second reading of the bill entitled, 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.' ordered, that the bill be committed to Mr. Few, Mr. Ellsworth, Mr. King, Mr. Lee, and Mr. Butler (p. 96).

"(Monday, August 17, 1789)

"The committee appointed to take into consideration the bill, entitled 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of Commissioners for managing the same,' reported that it be

" '*Resolved,* That there be allowed and paid to a Superintendent of Indian Affairs in the southern department, that may be nominated by the President, and appointed by, and with the advice and consent of the Senate, the sum of ——— per day, including his expenses, for the time he may be employed in attending a treaty, proposed to be held by the Commissioners of the United States and the Creek Indians, at the Rock-Landing, in the State of Georgia, on the 15th day of September next;

" 'That in case the proposed treaty should fail in the desired object, of establishing peace between the citizens of the United States and the Creek Indians, Congress will make such grants of money, and pursue such other measures, as will be necessary for the protection and safety of the inhabitants of the southern frontiers, and best secure the peace of the United States':

"And on motion to accept the report.

"It passed in the negative.

"On motion, that it be

" '*Resolved,* That the President of the United States be requested to nominate a fit person for Superintendent of Indian Affairs in the southern department, in order that he may be sent forward as soon as may be, to act with the Commissioners of Indian Affairs in the southern department, appointed pursuant to a resolution of Congress, passed on the —— day of —— and aid them in carrying into effect a treaty that is proposed to be held with the Creek Nation, on the 15th day of September next, in the State of Georgia, at the Rock-Landing;

" 'That the sum of ——— dollars be delivered to the said Superintendent, to be appropriated for the immediate purpose of the said treaty, for which sum he shall be accountable:

" 'That the President of the United States be requested to instruct the said Superintendent and Commissioners, to hear and fully investigate all the complaints and grievances of the said Creek Indians, and to use all the means in their power to quiet their minds and do them ample justice, agreeably to the aforesaid resolution of Congress, and instructions heretofore given for the purpose: That if the said Indians should prove refractory, or refuse to treat and establish peace on just and reasonable terms, then and in that case, the said Superintendent and Commissioners be directed to make immediate report thereof to the President of the United States, and Congress will make such grants of money, and pursue such other measures, as will be necessary for the safety and protection of the inhabitants of the southern frontiers, and best secure the peace of the United States.'

"It passed in the negative.

"On motion, that it be

"'*Resolved,* That the President of the United States be authorized and empowered, and he is hereby authorized and empowered, should the Creek Indians decline to make peace with the State of Georgia, to take effectual measures for covering the State of Georgia from the incursions of the Indians, either by ordering some of the troops now at Fort Harmar to march to the frontiers of Georgia, or by embodying such a number of the militia as he shall think sufficient to insure to the citizens of Georgia protection, and the cultivation of their lands in peace and security, and that he be empowered to draw on the Treasury for defraying the expenses of the same.'

"And on motion for the previous question, to wit: 'Shall the main question be now put?'

"It passed in the negative.

"The Senate adjourned to 11 o'clock tomorrow (pp. 96–98).

"(Tuesday, August 18, 1789)

"And proceeded in a second reading of the bill, entitled 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of Commissioners for managing the same.'

"On motion, to strike out 'Eight Dollars,' from the clause providing for the compensation to the Commissioner, and insert '$5,' in line 8.

"It passed in the negative.

"On motion, to insert after 'Eight dollars per day', 'at the discretion of the President.'

"It passed in the negative.

"On motion, upon the compensation to the commissioners, to strike out 'eight dollars,' and insert 'six dollars.'

"It passed in the negative.

"*Ordered,* That the rules of the House be so far dispensed with, as that the said bill shall have a third reading at this time.

"On motion to strike out in line 3, 'forty,' and insert 'twenty,' in order thereby to limit the sum to be expended in negotiating a treaty with the Indian tribes, to $20,000 instead of $40,000.

"The yeas and nays being required by one-fifth of the Senators present:

"Mr. Butler, nay; Mr. Carroll, yea; Mr. Dalton, yea; Mr. Ellsworth, yea; Mr. Elmer, yea; Mr. Few, nay; Mr. Gunn, nay; Mr. Henry, yea; Mr. Johnston, yea; Mr. Izard, nay; Mr. King, yea; Mr. Langdon, yea; Mr. Lee, nay; Mr. Maclay, nay; Mr. Morris, nay; Mr. Read, yea; Mr. Schuyler, yea; Mr. Strong, yea; Mr. Wingate, yea. Yeas, 12; nays, 7.

"So it passed in the affirmative.

"On motion, that it be

"*Resolved,* That Congress will make provision for the discharging of any expenses that may be incurred by such military arrangements, as the President of the United States may think proper to make, for the purpose of protecting the citizens of Georgia from the depredations of the Creek Indians, should peace not take place with them, or should they, having agreed to a peace, violate the same.

"And on motion for the previous question, to wit: 'Shall the main question be now put?'

"It passed in the negative.

"And on the question upon the bill, it was

"*Resolved,* To concur therein with the amendment:

"*Ordered,* That the Secretary carry the said bill to the House of Representatives for their concurrence in the amendment (pp. 93–99).

"(Wednesday, August 19, 1789)

"*A message from the House of Representatives*

"Mr. Beckley, their Clerk, informed the Senate, that the House had concurred in their amendments proposed to the bill, entitled 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.'

"And he withdrew (p. 100).

"(Thursday, August 20, 1789)

"*A message from the House of Representatives*

"Mr. Beckley, their Clerk, brought up the enrolled bill, entitled 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same,' examined by the committee of enrollment, and signed by the Speaker.

"And he withdrew.

"Whereupon the bill was signed by the Vice President, and by the committee of enrollment laid before the President of the United States for his approbation.

"Mr. Beckley, their Clerk, informed the Senate that the President of the United States had affixed his signature to a bill entitled 'An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same,' and had returned it to the House of Representatives (pp. 100–101)."

Mr. DOUGLAS. The second occasion on which the previous-question motion was used was on January 12 and 16, 1792. The Senate had before it the consideration of various Presidential nominations of United States Ministers at foreign courts, and specifically the nomination of William Short, of Virginia, to be Minister resident at the Hague. The Senate disregarded its rules and put the previous question in the negative: "That the main question be not now put." I may say that the rules provided only for the motion being put in the affirmative form. Nevertheless, it was put in the negative form.

The motion carried and this resulted in postponement. The intention to postpone is evident in the negative form of the question. There appears to be the additional purpose of preventing a debate which would have jeopardized a Presidential nomination. I ask unanimous consent that there be printed at this point in the RECORD the abstract from this debate of January 12 and January 16, 1792, which appears on pages 96–98, volume I, of the Executive Journal of the Senate.

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

"ABSTRACT 2

"The Senate had under consideration various Presidential nominations of United States Ministers at foreign courts.

"(Thursday, January 12, 1792)

"The Senate resumed the consideration of the message of the President of the United States, of the 22d December last, nominating Ministers Plenipotentiary at foreign courts; and

"On the question to advise and consent to the appointment of Gouverneur Morris, of New York, to be Minister Plenipotentiary for the United States at Paris, the yeas and nays were required by one-fifth of the Senators present:

"Mr. Bassett, yea; Mr. Bradley, yea; Mr. Burr, nay; Mr. Butler, yea; Mr. Cabot, nay; Mr. Carroll, yea; Mr. Dickinson, yea; Mr. Ellsworth, yea; Mr. Few, nay; Mr. Foster, yea; Mr. Gunn, nay; Mr. Hawkins, yea; Mr. Henry, yea; Mr. Izard, yea; Mr. Johnston, yea; Mr. King, yea; Mr. Langdon, yea; Mr. Lee, nay; Mr. Monroe, nay; Mr. Morris, yea; Mr. Read, yea; Mr. Robinson, nay; Mr. Rutherford, yea; Mr. Sherman, nay; Mr. Stanton, nay; Mr. Strong, nay; Mr. Wingate, nay. Yeas, 16; nays, 11.

"So it was

"*Resolved,* That the Senate advise and consent to the appointment of Gouverneur Morris, of New York, to be Minister Plenipotentiary for the United States, at Paris, conformably to the nomination in the message last mentioned.

"*Resolved,* That the Senate advise and consent to the appointment of Thomas Pinckney, of South Carolina, to be Minister Plenipotentiary for the United States, at London, conformably to the nomination in the message last mentioned.

"On the nomination of William Short, of Virginia, to be Minister resident for the United States, at the Hague; the committee having reported the information obtained from the Secretary of State on this subject.

"A motion was made that it be

"*Resolved,* That there is not, in the opinion of the Senate, any present occasion that a Minister should be sent to the Hague.

"On this motion, the previous question was moved for, to wit: 'That the main question be not now put'; and

"On motion, it was agreed, that the nomination last mentioned, and the subsequent motion thereon, be postponed to Monday next.

"The Senate proceeded to consider the message of the President of the United States, of the 11th of January, nominating William Carmichael and William Short, Commissioners Plenipotentiary, for negotiating and concluding a treaty concerning the navigation of the Mississippi, by the citizens of the United States; and agreed that the consideration thereof be postponed until Monday next.

"A message from the President of the United States, was, by Mr. Lear, his secretary, communicated to the Vice President, and he withdrew.

"UNITED STATES, *January 12, 1792.*

"GENTLEMEN OF THE SENATE: I nominate Richard Peters to be district judge of the Pennsylvania district, vice William Lewis, who has resigned his appointment.

"GEO. WASHINGTON.

"The message was read, and ordered to lie for consideration.

"(Journal of the executive proceedings of the Senate of the United States, vol. I, Washington, 1828, pp. 96–97.)

"(Monday, January 16, 1792)

"The Senate proceeded to the consideration of the message of the President of the United States, of the 22d of December last, and the nomination of William Short, of Virginia, now Chargé des Affaires of the United States, at Paris, to be Minister resident for the United States, at The Hague, together with the motion made thereon, to wit:

"'That there is not, in the opinion of the Senate, any present occasion that a Minister should be sent to The Hague, together with the motion for the previous question, to wit:

"'That the main question be not now put.'

"And the yeas and nays being required by one-fifth of the Senators present, on the previous question:

"Mr. Bassett, yea; Mr. Bradley, nay; Mr. Burr, nay; Mr. Butler, yea; Mr. Cabot, yea; Mr. Carroll, yea; Mr. Dickinson, yea; Mr. Ellsworth, yea; Mr. Few, nay; Mr. Foster, nay; Mr. Hawkins, yea; Mr. Henry, yea; Mr. Johnston, yea; Mr. Izard, nay; Mr. King, yea; Mr. Langdon, yea; Mr. Lee, nay; Mr. Monroe, nay; Mr. Morris, yea; Mr. Read, yea; Mr. Robinson, nay; Mr. Rutherford, nay; Mr. Stanton, nay; Mr. Sherman, nay; Mr. Strong, nay; Mr. Wingate, nay. Yeas, 13; nays, 13.

"The numbers being equal, the previous question was by the Vice President determinated in the affirmative.

"On the question to advise and consent to the appointment of William Short, of Virginia, now Chargé des Affaires of the United States, at Paris, to be Minister resident for the United States at The Hague, as nominated in the message of December 22;

"The yeas and nays were required by one-fifth of the Senators present.

"Mr. Bassett, yea; Mr. Bradley, nay; Mr. Burr, nay; Mr. Butler, yea; Mr. Cabot, yea; Mr. Carroll, yea; Mr. Dickinson, yea; Mr. Ellsworth, nay; Mr. Few, nay; Mr. Foster, nay; Mr. Hawkins, yea; Mr. Henry, yea; Mr. Johnston, yea; Mr. Izard, yea; Mr. King, yea; Mr. Langdon, yea; Mr. Lee, yea; Mr. Monroe, yea; Mr. Morris, yea; Mr. Read, yea; Mr. Robinson, nay; Mr. Rutherford, nay; Mr. Stanton, nay; Mr. Sherman, nay; Mr. Strong, nay; Mr. Wingate, nay. Yeas, 15; nays, 11.

"So it was

"*Resolved*, That the Senate do advise and consent to the appointment of William Short, of Virginia, now Chargé des Affaires of the United States, at Paris, to be Minister resident for the United States at The Hague.

"*Ordered*, That the Secretary communicate this resolution to the President of the United States.

"The Senate proceeded to consider the message from the President of the United States, of the 11th instant, nominating William Carmichael and William Short, Commissioners Plenipotentiary, for negotiating and concluding a treaty concerning the navigation of the Mississippi River, by the citizens of the United States; and agreed that the further consideration thereof be postponed. (Journal of the executive proceedings of the Senate of the United States, vol. I, Washington, 1828, pp. 97–98.)"

Mr. DOUGLAS. Mr. President, on the third occasion when the previous question was moved, it was moved in the form prescribed by the rules. That was on February 26, 1799. The Senate had before it the nomination of the President of William Vans Murray, to be Minister of the United States to France. a message which was superseded by another message nominating several envoys to France. The previous question motion was moved in the words "Shall the main question be now put?" On this vote the "yeas" prevailed. Debate was then stopped and the main question was put to an immediate vote.

This is a clear case of the use of the previous question in the affirmative form to stop debate.

The purpose of this motion was also to secure an immediate vote and not to postpone the subject, although in the absence of further evidence the underlying motive for the move is left open to conjecture.

I ask unanimous consent that there be printed in the RECORD at this point an abstract from this debate which is from page 318 of volume I of the Executive Journal of the Senate.

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

"ABSTRACT 3

"The Senate resumed consideration of the nomination by the President of William Vans Murray to be Minister of the United States to France.

"(Tuesday, February 26, 1799)

"The Senate resumed the consideration of the message of the President of the United States, of the 18th instant, and the nomination contained therein, of William Vans Murray to be Minister Plenipotentiary of the United States to the French Republic.

"On motion, That it be

"*Resolved*, That by the message of the President of yesterday, nominating Oliver Ellsworth, Patrick Henry, and William Vans Murray Envoys Extraordinary to the French Republic, his message of the 18th of the present month, nominating William Vans Murray as Minister Plenipotentiary to the same Republic, is superseded.

"A motion was made for the previous question, to wit: Shall the main question be now put? and it was determined in the affirmative.

"And, on motion to agree to the main question, it was determined in the affirmative.

"The Senate proceeded to consider the message of the President of the United States, of the 25th instant, and the nominations contained therein, of Oliver Ellsworth and others to office.

"*Ordered*, That the further consideration thereof be postponed until tomorrow. (Journal of the Executive Proceedings of the Senate of the United States, vol. I, Washington, 1828, p. 318.)"

Mr. DOUGLAS. Mr. President, on March 10, 1804, while sitting as a Court of Impeachment in the trial of Judge Pickering, the previous question was moved for the last time. Here the question was worded as the rules required: "Shall the main question be now put?" And here we find written evidence in the accusing diaries of minority Senators that the majority's purpose was cloture—to cut off a tempestuous debate and force the main question to an immediate vote.

Mr. Brant goes into this matter in his memorandum in some detail and has also prepared some excerpts from the diaries of interested Senators. I shall place all of this in the RECORD at a later point but I now ask unanimous consent that there appear in the RECORD at this point an abstract of that part of the debate over Judge Pickering at the place where the previous question was moved. This abstract is from the original which appears on pages 362–363 of the Annals of Congress, 8th Congress, 1st session.

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

"ABSTRACT 4

"The Senate was sitting as a Court of Impeachment in the trial of Judge Pickering.

"(Saturday, March 10, 1804)

"Mr. Franklin was chosen President pro tempore.

"Upon the opening of the court, Mr. White submitted the following resolution:

"'*Resolved*, That this court is not at present prepared to give their final decision upon the articles of impeachment preferred by the House of Representatives against John Pickering, district judge of the district of New Hampshire, for high crimes and misdemeanors, the said John Pickering not having appeared, or been heard by himself or by counsel; and it having been suggested by the court by Jacob S. Pickering, son of the said John Pickering, that the said John Pickering, at the time of the conduct charged against him in the said articles of impeachment, as high crimes and misdemeanors, was, and yet is, insane, which suggestion has been supported by the testimony of two members of the court, and by the affidavits of sundry persons, whose integrity is unimpeached; and it being further suggested in the said petition, that at such future day as the court may appoint, the body of the said Pickering shall be produced in court, and further testimony in his behalf, which will enable the court to judge for themselves as to the insanity of the said John Pickering, and to act more understandingly in the premises; but that the said John Pickering, owing to bodily infirmity, could not be brought to court at present, at so great a distance, and at this inclement season of the year, without imminent hazard of his life.'

"Mr. Nicholas, Mr. Wright, and other gentlemen, objected to the resolution as not being in order.

"Mr. Anderson asked if it would be in order to move an amendment to it.

"Mr. Adams said, he would object to any amendment to it, as, by the rule of the court, a gentleman had a right to a vote upon any specific proposition he might please to submit, connected with the trial.

"Mr. White, called for the reading of the rule.

"Mr. Anderson then moved that the resolution, submitted by the gentleman from Virginia yesterday, be taken up as being entitled to be acted upon first.

"The President pro tempore declared that the resolution of the gentleman from Delaware was fairly before the court, and must be disposed of in some way before anything else could be taken up.

"A motion for postponing the further consideration of it was then made and withdrawn.

"Mr. Nichols hoped it would not be permitted to go upon the journals of the court.

"Mr. Jackson moved the previous question, viz: "Shall the main question be now put?"

"Mr. White hoped that whatever question should be taken on the subject, should be by yeas and nays; that his resolution, and the manner in which it might be got rid of, should be seen and understood.

"Mr. Anderson then moved to amend the resolution, by striking out the words 'not having been heard by himself or counsel;' and all after the words 'was and yet is insane,' to the end of the resolution.

"On motion of Mr. Dayton, the galleries were cleared and the doors closed.

"At 3 o'clock the doors were opened, and the question was taken upon the resolution as at first submitted—yeas 9, nays 19, as follows:

"Yeas: Messrs. Adams, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, and White.

"Nays: Messrs. Anderson, Armstrong, Baldwin, Breckenridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith of Ohio, Sam'l Smith, Sumter, Venable, Worthington, and Wright.

"So it passed in the negative.

"On motion of Mr. Nicholson, the resolution he had submitted the day before for notifying the House of Representatives that the court would be prepared to pronounce judgment on Monday next, was taken up and passed—yeas 20, nays 9. Those who voted in the affirmative last above, here voted in the negative, and so vice versa, except Mr. John Smith, of New York, who was not then present, and who voted here in the negative.

"The court then adjourned.

"(Annals of Congress, Eighth Cong., first sess., Washington, 1852, pp. 362–363.)"

Mr. DOUGLAS. Mr. President, I shall come back to this Pickering case in a moment, but let me point out here that these four cases present a virtual microcosm of the development of the previous question in American practice. At the outset, in 1789, the Senate started with the positive form of the motion and on one occasion it achieved postponement. From that it went forward (though this was in violation of Senate rules) to the use of the negative form of the motion to produce negative results—a motion not to vote on the main question. In the third and fourth cases (one-half of the total) the Senate employed the affirmative form of the motion for an affirmative purpose—to cut off debate and bring the main question to an immediate vote.

If one looks at the record of the Pickering trial as published in the Annals of Congress, it has the appearance of being defective. It is recorded there that the previous question was moved by Senator Jackson of Georgia, who was one of the anti-Pickering majority. But nothing is said about the putting of the motion. Mr. Brant's memorandum reveals the reason for the omission—a most remarkable one.

The Senate was operating as a court of impeachment, with supplementary rules. All motions had to be voted on by yeas and nays in open session. But debate on motions was forbidden except in closed session. The Senate was in closed session, debating a resolution offered by Senator White of Delaware, when Jackson moved the previous question. To vote on it, it was necessary to open the doors. But opening the doors stopped the debate, and that was the purpose of moving the previous question. With the doors open, nothing remained except to take the yeas and nays on the controversial resolution, which was thereupon defeated by the same Senators who had cut off the debate.

To eliminate all doubt concerning the intentions of the Senate majority on March 10, 1804, when the previous question was moved for the last time, I need but read a single sentence from that day's entry in the diary of John Quincy Adams, one of the defeated Senators:

The next struggle was to prevent all debate upon the resolution.

To reproduce the emotional pitch of that debate, just before it was cut off by the majority, I need but read the words set down in the diary of Senator William Plumer:

"Mr. Nicholas—"

"That was Senator William Cary Nicholas, leader of the majority and spokesman for President Jefferson—a man so close to Jefferson that he is buried in the Jefferson family burial ground at Monticello—

"'Mr. Nicholas vociferated, order, order, order—I will not submit to hear our proceedings called by the degrading name of a mock trial.'

"To which, says the Plumer diary, the Senator replied that he would not retract his words. If this offended Mr. Nicholas, said he:

"'I am willing and ready to give him satisfaction at any time and place he will please to name.'

"In other words, they could fight a duel. The Senate has happily graduated from such juvenile delinquencies. But we have yet to realize that the Senate 150 years ago in its ability to limit debate was a more effective body than it is today. Ample power existed, both in the motion for the previous question and the unappealable authority of the Vice President, to cut off debate and bring the business of the Senate to a decision. That power was used, and used effectively, under circumstances far less provocative than a filibuster, which in that day was unknown in the Senate. It was used to suppress a 1-day debate which was merely obnoxious to the majority.

"I am not arguing the merits of that action by the Senate in 1804. But the fact that it used the power is enough to prove that the power existed.

"Here in parallel columns are the complete entries in the official record of the trial of Judge Pickering, and the principal and all revelant entries in the diaries of Senators Adams and Plumer. The protests against curtailment of debate, the references to closing and opening the doors of the Senate, the references to moving the previous question have been italicized; also the remarks of Nicholas about keeping the resolution out of the journals, because these are closely connected with the motion for the previous question.

"From the sequence it is perfectly plain that the doors were closed much earlier than is indicated in the official account. Plumer apparently tried to correct the sequence. He copied various portions of the official account into his diary, shifting the position of them to fit his recollection, but apparently was stumped by some of the inconsistencies regarding the time of Anderson's attempt to amend the resolution.

"Most of the Plumer entries are employed in this chart to emphasize the enormous omissions from the official record, and they could have been far longer.

"I ask unanimous consent that the entries in the official record of the trial and of the relevant diaries be printed at this point in the RECORD.

"There being no objection the entries were ordered to be printed in the RECORD as follows:

"ANNALS OF CONGRESS, XIII, 362–363	"DIARY OF JOHN QUINCY ADAMS, MEMOIRS, I. 302–303	"WILLIAM PLUMER, MEMORANDUM OF PROCEEDINGS IN THE UNITED STATES SENATE, 1803–07, PP. 173–177
"Upon the opening of the Court, Mr. White submitted the following resolution: '*Resolved*, That this Court is not prepared to give their final decision * * *.'	"Mr. White, in Senate, moved this morning a resolution declaring the Court not prepared to give judgment. * * *	"Mr. White then submitted the following resolution:
"Mr. Nicholas, Mr. Wright, and other gentlemen, objected to the resolution as not being in order.	"On this resolution it was not without the utmost difficulty that any discussion whatsoever could be obtained.	"(Copies official record.)
"Mr. Adams asked if it would be in order to move an amendment to it.	"(Not mentioned in Adams diary, presumably because it was covered in the official record.)	"(Copies official record, adding a word.)
"Mr. Adams said, he would object to any amendment, as by the rule of the Court, a gentleman had a right to a vote upon any specific proposition he might be pleased to submit, connected with the trial.		"Mr. White called for the reading of the rule.—Read.
"Mr. White called for the reading of the rule.		"A motion was made that the galleries be closed—but the motion was lost.
"Mr. Anderson then moved that the resolution submitted by the gentleman from Virginia yesterday (to pronounce judgment on Monday next) be taken up as being entitled to be acted upon first.	"Mr. Nicholas, to give it the slip, insisted upon having his resolution, offered yesterday, first taken up. On which I rose and said that if Mr. White's motion was not considered I should offer a resolution previous in its nature to that of Mr. Nicholas. I was called to order as entering into debate. I answered that I was not debating, but merely stating the purport of a resolution I should offer if that of Mr. White was not considered, and that in thus stating it I should speak until my mouth was stopped by force.	"(Copies official record.)
"The President pro tempore [Franklin, of North Carolina] declared that the resolution was fairly before the court, and must be disposed of in some way before anything else could be taken up.	"I was again called to order, but the president determined that Mr. White's resolution should be taken up before that of Mr. Nicholas.	"(Copies official record.)
"A motion for postponing the further consideration of it was made and withdrawn.		"A motion for postponing the further consideration of this was then made but withdrawn.
"Mr. Nicholas hoped it would not be permitted to go upon the journals of the court.	"The next struggle was to prevent all debate upon the resolution. By our rules there can be no debate on any motion in open court. A motion to close the doors for the purpose of discussing the resolution was rejected, nine members voting for it. But although we are allowed no debate, yet motions to strike out parts of a resolution proposed were admitted by the majority; and Mr. Anderson moved to strike out a great part of Mr. White's resolution, so as to get	"On motion of Mr. Dayton the galleries were cleared and the doors closed.
"Mr. Jackson moved the previous question, viz: 'Shall the main question be now put?'		"Mr. WHITE. There has been no trial—no appearance, no plea—no defense whatever on the part of the accused. Our proceedings scarcely deserve the name of a mock trial.
"Mr. White hoped that whatever question should be taken on the subject should be by yeas and nays; that his resolution and the manner in which it might be got rid of, should be seen and understood.		"Mr. Nicholas vociferated, order, order, order—I will not submit to hear our proceedings called by the degrading name of a mock trial.
"Mr. Anderson then moved to amend the resolution, by striking out the words, 'not		

"ANNALS OF CONGRESS, XIII, 362–363—con.

having been heard by himself or counsel," and all after the words "was and yet is insane," to the end of the resolution.

"On motion of Mr. Dayton, the galleries were cleared and the doors closed.

"At 3 o'clock the doors were opened, and the question was taken upon the resolution as at first submitted—yeas 9, nays 19."

"DIARY OF JOHN QUINCY ADAMS, MEMOIRS, I. 302–303—continued

rid of all the reasons alleged in it. I objected against any motion to strike out part of an offered resolution, because such motion was itself debate, and contrary to the rule. At length Mr. John Smith, of Ohio, wanted to put a question as to the meaning of a part of Mr. White's resolution. And in order to make that inquiry, a second motion was made to clear the galleries. Smith, now voting for it, gave the casting turn, the necessary number of one-third. The galleries were cleared, and a short discussion of the resolution was had.

"The extreme injustice of judging an insane man as a guilty one; of sentencing, unheard, a man who could not be present at this time without imminent hazard of his life; of precipitating decision without necessity, was urged; Mr. Anderson, and most of the members in the majority, manifesting the most extreme impatience to open the doors and stop all further debate.

"At length, rather than continue the discussion, he (Anderson) waived his motion to strike out part of Mr. White's resolution, and said he was ready to meet it. But Mr. Nicholas said he should move that it might not be entered on the records.

"Although the rule is that all motions shall be decided by yeas and nays in open court, Mr. Nicholas was for having the yeas and nays, without the motion upon which they were taken.

"The doors were opened. The yeas and nays were taken on Mr. White's resolution—yeas 9, nays 19."

"WILLIAM PLUMER, MEMORANDUM OF PROCEEDINGS IN THE UNITED STATES SENATE, 1803–07, PP. 173–177—continued

"Mr. WHITE. Mr. President, I am in order, sir—and while I have a seat in this body I will act and speak my opinion with freedom * * * I assure the gentleman from Virginia, Mr. Nicholas, I wish not to offend him * * * but * * * I shall not retract * * *. If in this I have offended him, I am willing and ready to give him satisfaction at any time and place he will please to name.

"(Plumer followed with an extensive summary of an exchange of remarks between himself and Senator Smith, of Ohio, on the subject of Judge Pickering's intoxication.)

"Mr. ADAMS. If proceedings like ours were had in a court of law, I have no hesitation in saying, it would be considered as a mere mock trial.

"Mr. NICHOLAS. I hope this resolution will not be permitted to be entered even on our minutes—that it will never see the public light. It is not correct—it does not contain all the facts.

"(Plumer records the remarks of Senators Venable, Wright, and Logan, then enters:)

"Mr. NICHOLAS. If this resolution is not passed, I shall object to its being recorded.

"Mr. Jackson moved the previous question, viz: 'Shall the main question be now put.'

"Mr. WHITE. Whatever question is taken on this subject, I hope it will be yeas and nays; and that the resolution and the manner in which it is disposed of may be seen and understood.

"Mr. Anderson then moved to amend the resolution by striking out, etc. (picking up the whole entry from the official report, but adding:)

" 'But this motion for amendment was not seconded.'

"At 3 o'clock the doors were opened—and Mr. Anderson moved that the resolution should lie on the table. On this question the yeas and nays were required—but the motion of Mr. Anderson was withdrawn.

"The question was then taken by yeas and nays upon the resolution as at first submitted—yeas 9, nays 19—so it was negatived."

Mr. DOUGLAS. Mr. President, it therefore appears from the records of the Senate itself, that in the period 1789 to 1806, the Senate, on 4 occasions, used the previous question motion. On 2 occasions its purpose was to postpone. On 2 other occasions, its purpose was to end debate and bring a vote. Further, it will be clear from the nature of the motion that had the Senate voted differently on the first 2 occasions, the effect of that vote, in view of the British practice, could have been to limit debate and bring a vote on the main question, if that had been the will of the Senate.

COULD THE PREVIOUS QUESTION BE DEBATED WITHOUT LET OR HINDRANCE?

Now, Mr. President, I turn from what actually happened in the Senate on the 4 specific occasions when the previous question was moved to the following general questions:

First. Is it a fact that the motion for the previous question could be debated "without let or hindrance" under the rules of the Senate up to 1806? and

Second. Can it be debated without let or hindrance today, for the purposes of obstruction under general parliamentary practice. These are key questions.

With the present Vice President expressing the opinion that section 3 of the present rule XXII of the Senate is unconstitutional, the matters at issue are liable at some stage to be affected by rulings based on parliamentary procedures in general. In that event, the hope of the defenders of the filibuster is to secure a ruling that parliamentary precedents, especially in the United States Senate and in the English House of Commons, admit of no limitation of debate upon the motion to put the previous question.

It was, I suspect, these important aspects of the subject that caused my distinguished colleague to make some comments which brought into question the academic qualifications of Mr. Brant to discuss the subject—remarks which I am sure he would not have made under less controversial circumstances.

It is the importance of this matter which largely prompts my discussion of the subject today, so as to lay the basis for a future ruling by the Presiding Officer of the Senate.

Let me first point out that the Vice President, from 1789 until 1828, had the power to decide questions of order without an appeal being taken from his decision by the Senate as a whole. That power was found in rule XVI before the rules were amended by the general revision of February 14, 1828. Rule XVI read as follows:

"When a Member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; but every question of order shall be decided by the President without debate; but if there be a doubt in his mind, he may call for the sense of the Senate."

In other words, there was no obligation upon him to call for the sense of the Senate, and the Vice President was to be the judge of whether he would call for the sense of the Senate.

This was a general rule, covering the disposal of all questions of order. The next rule, No. XVII, made an additional provision for personal calls to order. I quote it:

"If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter. (The Journal of the first session of the Senate of the United States, pp. 14–15.)"

These two rules were the only ones on the subject of order. Thus, both in matters of personal conduct and parliamentary procedure, the decision of the Vice President or President of the Senate was absolute and final during all the years in which the Senate had a rule for the previous question. The power of the Presiding Officer remained absolute until 1828, when rule XVI was amended to read: "every question of order shall be decided by the President without debate, subject to an appeal to the Senate."

It may be asked, what if the Vice President, in that day when he possessed unappealable authority, refused to rule that a filibustering debate was out of order? Well, what we are discussing is whether the power existed at that time, not whether the possessor of it was willing or unwilling to use it. But I will say that if any Vice President of the period we are talking about—John Adams, Thomas Jefferson, or Aaron Burr, whose busts are placed over the press gallery—had declined to uphold a point of order against a filibustering debate on the motion for the previous question, he would have done so in disregard of section 17 of Jefferson's Manual of parliamentary practice. I quote the relevant part of section 17:

"No one is to speak impertinently or beside the question, superfluously, or tediously."

That was a rule of parliamentary practice which Thomas Jefferson laid down as a result of listening to the debates in the Senate.

I do not suppose anybody will contend that in a day when the Vice President had the power and the parliamentary duty to halt a speech that was merely tedious, he lacked either the power or the obligation to halt one that was tedious, dilatory, and deliberately obstructive. Certainly it cannot be argued that Vice President Thomas Jefferson would have refused to uphold the views which he expressed in his own manual. I expect to hear somebody argue that as soon as the Vice President lost this power, by the allowance of an appeal to the Senate, the power vanished completely.

That would be a remarkable argument, indeed, and one completely untenable. To maintain it would mean that if the Presiding Officer alone could do it, then certainly the Presiding Officer and the Senate together could do it. It would mean that the Vice President and Senate combined are incapable of enforcing a point of order which formerly could be enforced by the Presiding Officer alone.

If the Presiding Officer alone could do it, then certainly the Presiding Officer and the Senate together could do it.

It therefore appears clear that, first, from the nature and use of the previous question in the first 17 years of the history of the Senate; and second, the power of the Vice President to decide points of order without appeal, that the Senate had the power and used the power to end debate and bring matters to a vote in that early period.

I may say that the RECORD in the four cases I have read discloses, so far as I can ascertain, that there was no debate on the putting of the previous question; and once the question was put, there was no further debate on the main question itself.

That power did exist and it would still exist at the beginning of a new session of Congress if there were an attempt to filibuster a motion to proceed to the adoption of new rules of the Senate and the previous question motion.

When decisions of the Vice President were made appealable in 1828, the power to decide did not vanish. It was given a broader base in the will of the majority. If there be an appeal from that to general parliamentary practice, it must be to that parliamentary practice which makes any obstructive debate a contempt of the body.

Now I wish to devote a few minutes to the development of the American and British systems of curbing excessive debate.

HISTORICAL DEVELOPMENT OF THE PREVIOUS QUESTION IN THE UNITED STATES AND GREAT BRITAIN—THE CONTINENTAL CONGRESS

In 1778, the Continental Congress adopted the previous question in the negative form, that is, "That the main question be not now put." Its ostensible purpose was to postpone. At that time, there was no need for a cloture motion for the filibuster, and obstructive debate was unknown. The reason, of course, was that the votes of 9 of the 13 States were needed for passage of a measure, and the problem was in getting the representatives of that many States together at any one time in order to vote. Therefore, if obstruction or delay was the purpose of any group, this could have been accomplished by absences rather than by prolonged debate. In other words, the affirmative requirements of more than two-thirds majority of the States prevented the filibuster.

It should be remembered, however, that even this negative motion could and did close debate and bring a vote, for when the "nays" prevailed in 1778 the Congress adopted an interpretive ruling that they must proceed to a vote.

The matter, interestingly enough, dealt with the question whether any person holding office under the United States could promote, encourage, or attend plays. The act provided that if they did, they should be deemed unworthy to hold such office and, accordingly, should be dismissed.

On this occasion—the only one recorded in the index—the previous-question motion, worded in the negative carried in the negative. A motion was made to postpone action on the substantive matter until the next day. A question was then raised if the Congress were not required to proceed to a vote when the previous question was negatived. The question was put before the Congress itself and by a 7–3 vote it decided that when the negative form of the previous question was passed in the negative, they were required to proceed to a vote on the substantive issue before them. In other words, two negatives made an affirmative.

THE SENATE FROM 1789 TO 1806

From 1789 to 1806, as we have already seen, the Senate had the affirmative form of the previous question as a part of its rules.

It also used the negative. On the four occasions when the previous question was used, the motion in the affirmative form was used three times, and the purpose of the motion on the last two occasions was to close debate. In other words, it evolved in purpose from a motion to postpone to a motion to stop debate, although its effect could have been to end debate on all four occasions.

HOUSE OF REPRESENTATIVES

The House of Representatives has always had the previous-question motion. From 1789 to 1880, it was in the same form as that provided by the early rules of the Senate, namely, "Shall the main question be now put?" In 1880, it was decided that the Speaker, on motion, should ask for the "yeas" and "nays" on "ordering the previous question."

In the American House of Representatives, the filibuster was used as an effort to prevent a vote as early as 1811. When an obstructive crisis reached its peak, it was effectively dealt with in February of 1811, when the motion for the previous question was used six times in one night to force a crucial question to a vote.

The event which occasioned its use as a cloture motion was a bitter contest over foreign policy which preceded the War of 1812. The filibuster was being used to defeat the nonintercourse bill.

Therefore, the House followed the Senate precedents at this very early time and used the affirmative form of the previous question to obtain cloture. That is still its use—although the form has been modified—in the House of Representatives and that is its use in other parliamentary bodies—with the exception of the Senate—today.

Mr. JAVITS. Mr. President, would the Senator from Illinois mind an interruption at this point, or would he prefer that it be postponed?

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

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. Mr. President, I should like to inform the Senator from Illinois, who has given so much time and devotion to the question of the Senate rule which permits a filibuster—a rule which has been used primarily in connection with civil rights bills—that in the Committee on Rules and Administration we are having quite a struggle with respect to the resolution of the Senator from Illinois and also the resolution sponsored by both the majority leader and the minority leader.

I should like to congratulate the Senator from Illinois for perceiving the critical importance of this issue and of the entire civil-rights issue, of which it is a very essential corollary, if any action is to be had; and I also wish to congratulate him upon his leadership on this subject.

I urge the Senator from Illinois—and I am confident the Senator from Illinois knows me well enough to be sure that I say this with no gleam in my eye—to use his own great influence in his own party—as I am attempting to do in my own, for I believe the civil-rights issue will get nowhere unless Members of both parties who feel strongly on the subject combine their efforts—to have the Senate take action on the civil-rights issue. So I urge the Senator from Illinois to use his own very great influence in his party, and I shall do my utmost in mine, and other Members of the Senate who have been here much longer than I have will do the same, to try at one and the same time we are seeking to have the Senate act on the civil-rights bill also to seek to have the Senate act on the two resolutions.

The present situation is as follows: Upon my motion, the Committee on Rules and Administration has designated an ad hoc subcommittee for the purpose of considering this question. The subcommittee was designated about April 1.

I have done my utmost to get the subcommittee to report one of the resolutions. I have not been successful. Right now, hearings have been ordered, with an unlimited amount of time available at the hearings, insofar as Members of Congress are concerned; and with a limitation of one-half an hour in the case of each organization. How long that will extend the matter, I have not the remotest notion. But I should like to inform the Senator from Illinois that at the next meeting of the Committee on Rules and Administration, which is to occur approximately 2 weeks hence, I will again raise the issue; and I have served notice that I will raise it then.

I repeat that, without any gleam in my eye or without any idea that this situation casts reflection upon either one party or the other—for after all, both parties have their troubles—I desire to point out that the question of the Senate rule which permits a filibuster is a corollary of the civil-rights issue, and should be pressed with the same vigor.

I am delighted that the Senator from Illinois has taken the leadership in this matter. I have the honor to be a cosponsor of his resolution—and I emphasize that it is his resolution. The Senator from Illinois has taken the leadership on this issue in his own party, as I have in mine.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Chair desires to associate himself with the remarks of the Senator from New York.

Mr. DOUGLAS. Mr. President, I wish to thank both Senators for their comments.

A number of Senators on this side of the aisle have tried to have action taken on the civil-rights bills and on the proposal to change rule XXII, rather than to permit the Senate to be interminably tied up with debate. I am delighted that the Senator from New York is pushing along those lines, on his side of the aisle, and I appreciate very much that in the Rules Committee he moved the adoption of my resolution to change rule XXII, of which resolution he is a cosponsor.

In times past and, as all of us know, even up to the present, Senate Members opposed to civil rights have worked, on both sides of the aisle; and there has been an alliance between sections of my party and sections of the party of the Senator from New York, both to defeat civil-rights measures and to prevent any change in the Senate rule. Some groups do it openly; others do it subtly.

I remember the poem entitled "A Modern Decalogue," by Arthur Hugh Clough, in which the commandment "Thou shalt not kill' is rendered by him in cynical form, as "Thou shalt not kill, but needst not strive officiously to keep alive."

There are many who, although they themselves will not stab civil rights to death, will furnish the danger or other instrument or the interminable debate with which others can do the job. That has been going on for many years; and it is about time that those of us who believe in a vigorous civil-rights program and in the right of the Senate, after due debate, to proceed to vote, should work from both sides of the aisle.

So I say to the Senator from New York that there is room for all of us, and we can press on together; and the more converts we make, the better.

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

Mr. DOUGLAS. Yes, indeed.

Mr. JAVITS. Mr. President, I think the Senator from Illinois has put his finger on a critical point. I should like to emphasize it, if I may—although I repeat that he is the one who made the point. It is this: In my view, there is no difference between being in favor of civil-rights measures and being in favor of a change in the rule which permits civil-rights measures to be killed in this Chamber.

Therefore I believe—and I believe it deeply—that the people of the country should hold to account every Member, on both counts equally. I believe there is some dichotomy in the thinking of some Members of this body who, for one reason or another, believe a Member can feel differently about the cloture issue than he does about the civil-rights issue. To the contrary, Mr. President, I sincerely believe that Members cannot do so. I believe there is a real majority of the Senate in favor of the enactment of civil-rights measures; and I believe that there should be, and there must be—and, if the people demand it, there will be—a real majority of the Members of this body who will be in favor of changing the cloture rule.

I thank the Senator from Illinois for yielding to me.

Mr. DOUGLAS. Mr. President, I thank the Senator from New York. Let me say that his help has been and will continue to be of great assistance; and those of us on our side of the aisle will work vigorously; and I am sure he will also work vigorously, on his side.

THE BRITISH HOUSE OF COMMONS

Mr. President, now let us turn to the development of the previous question in the House of Commons. Let us recall the quotation, from the 1953 brief against the Anderson motion, of the words of Henry Cabot Lodge that:

"The previous question which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which everyone is familiar today in our House of Representatives. It was not in practice a form of cloture and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate. (p. 11.)"

That, as we have seen, is totally in error.

We recall also the quotation from the Congressional Digest of November 1926 which the proponents of the filibuster placed in the RECORD in 1953:

"Like the precedents for the (previous question) rule in the British Parliament and the Continental Congress when it was used in the early days of the Senate and it did not limit debate but avoided a vote on a given subject."

We now have seen that this statement is not correct with respect to usage in both the Continental Congress and the early Senate. The Continental Congress actually ruled that the motion closed debate on one occasion; and in the Senate, the previous question was used on two occasions to limit debate. Furthermore, the motion could always have had that effect if that had been the sense of the Senate on the other occasion when it was used.

It is also clear that the statement is not accurate concerning British precedents. Today, the House of Commons has two motions which can bring debate to a close and can bring on a vote. One is called "cloture," and the other is called the "previous question." Both are in addition to the modern guillotine.

The cloture motion is worded affirmatively, that is, "That the question be now put." If the "yeas" prevail, debate is stopped, and the main question is put to a vote. If the "nays" prevail, debate continues.

The previous question motion is now worded in the negative, that is, "That the question be not now put." If the "yeas" prevail, debate is postponed. If the "nays" prevail, debate is closed.

For something more than two centuries before the House of Commons adopted the cloture motion in 1882, it had other methods of preventing obstruction; and the motion for the previous question also could, and did produce that effect.

I wish to introduce at this point in the RECORD, a second letter from Mr. Brant. It traces the use and history of the previous question motion in the House of Commons. Mr. President, I ask unanimous consent that the letter be printed at this point in the RECORD, as a part of my remarks.

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

"FEBRUARY 6, 1957.

"Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

"DEAR SENATOR DOUGLAS: Since writing my memorandum on the previous question and cloture I have found time to examine the Journals of the English House of Commons from 1604 to 1789—that is, from the birthyear of the motion for the previous question to the year in which it was incorporated in the rules of the United States Senate. The result is a mountain of evidence that, measured by its effects, the previous question was infinitely more important in the early period as a producer of cloture than as a method of postponing a question.

"Hatsell's Precedents, published in 1781, furnished most of the early history of the previous question drawn upon in May's Law and Usage of Parliament and Jefferson's Manual. Hatsell gives the impression, perhaps without intending to, that the motion for the previous question was a rare device in the 17th century. After remarking that 'On the 25th of May, 1604, is the first instance I have found of putting the previous question,' he refers to only four other instances of it before 1700. May cites 1 or 2 others.

"Hatsell gives the usual explanation of the British practice: a member desiring to postpone the main question moves 'That this question be now put' and votes against his own motion. He also makes it clear that when the previous question is moved and carried, 'the Speaker must put the main question immediately.' But Hatsell gives no citations of affirmative results and the reader is left to infer that such a mischance seldom occurred.

"The truth is that between A.D. 1604 and 1700, the previous question was moved 736 times in the House of Commons. It resulted in cloture 491 times, in postponement 245 times.

"These figures can easily be checked for accuracy. The index to the House Journals divides the record into 'Questions, previous, affirmative' and 'Questions, previous, negative.' Affirmative equates with cloture, negative with postponement.

"This period was one of revolutionary struggle and wide swings in British Government. It embraced 37 years of Stuart supremacy over Parliament, nearly 20 years of the Puritan Revolution, close to 30 years of the Stuart Restoration and a final period of tranquility after the 'glorious revolution' of 1688. For clearer understanding, the record of the previous question needs to be broken down into epochs corresponding to the political changes. Following is a tabulation of 17th century motions for the previous question and the results of the motions:

"From 1604 to 1640, the period of Stuart supremacy: Motions, 3. Results, cloture 3.

"From 1640 to 1658, the Puritan Revolution, embracing the Long Parliament, the Commonwealth and the Cromwellian Protectorate: Motions, 523. Results, cloture 351, postponement 172.

"From 1658 to 1660, period of chaos, Stuart Restoration, and retribution: Motions, 97. Results, cloture 74, postponement 23.

"From 1661 to 1688, reign of Charles II: Motions, 81. Results, cloture 47, postponement 34.

"From 1688 to 1700, reign of William and Mary: Motions, 32. Results, cloture 16, postponement 16.

"Totals: Motions, 736. Results, cloture 491, postponement 245.

"Following the Revolution of 1688, it will be observed, postponement caught up with cloture. The change grew more pronounced. Between 1700 and 1790, the previous question was moved on 163 occasions, resulting in cloture 48 times, in postponement 115 times. From 1790 until November 11, 1882, when the House of Commons adopted the modern cloture rule, the motion for the previous question was put 361 times, resulting in cloture 67 times, in postponement 294. Since 1882 it has been put only four times and not once since 1910.

"So, although it cannot be found in any parliamentary treatise, this contrast comes into view:

"In the 17th century of parliamentary tension, the previous question was moved far oftener than in all later centuries combined, and resulted in cloture in two-thirds of the cases.

"In the 18th century of parliamentary tranquility, the previous question tapered off and resulted in postponement two-thirds of the time.

"Finally, when parliamentary obstruction developed in the 19th century, the previous question was transmuted into the virtually identical cloture motion, while the motion

for the previous question continued a separate existence but withered away completely. In all periods, the practice of the House of Commons was molded by the temper of the times and the necessities of legislative business.

"The parliamentary records of the 17th century do not identify the movers of the previous question. One can only speculate on whether it was moved part of the time for the avowed purpose of securing a final vote, rather than moved for one purpose and seized on for another. Even if every one of the 736 motions had the ostensible purpose of postponement, the overwhelming fact is that 491 of them produced cloture, and both the affirmative wording of the motion and the rule as to its application were admirably suited to produce that effect. It likewise seems significant that the affirmative wording became more positive at the height of this positive use of the motion, shifting from 'whether it be put' to 'that it be put.' By all the rules of logic, such a change denotes intent.

"Even in later times the previous-question rule has had a tendency to produce cloture when a strong parliamentary majority was dealing with controversial issues. To illustrate the use of the motion in British practice, Sir Thomas Erskine May cited (but did not describe) three 19th-century examples from the House of Lords. Two of these motions represented the clear purpose of postponement, although in one of these the motion was offered by an advocate of immediate passage of the main question. Unable to win Prime Minister Disraeli's approval of a warning to Russia not to attack Constantinople, Lord Dorchester made the motion in order to avoid the consequences of a more direct refusal to take this action (Lords' Journal, v. 110, p. 22, Parliamentary Debates, Jan. 28, 1878). In another instance, 10 motions against the income tax were disposed of by offering and defeating 10 motions for the previous question (Lord's Journal, v. 74, p. 87.) The third example was by far the most controversial.

"On August 6, 1839, Lord Brougham moved to resolve that witnesses who refused to testify in Irish sedition trials should be sent to prison. 'After long debate,' the Lord's Journal records, the previous question was moved and resolved in the affirmative. The motion apparently came from the opposition, which was protesting against a vote, but leading up to it in the record of the debate are such entries as these:

"'[Loud cries of "Question, question."] * * *

"'[Cries of "Divide" and "Question".] * * *

"'[Continued cries of "Question" and "divide."].'

"It was under the stress of such cries, and after a warning by Lord Broughan about 'the waning night and the waning patience of the House,' that the previous question was moved and carried by 86 to 52. The main question then carried without a division (Mirror of Parliament, VI, 4775–4777, 4784).

"In this case, cited as typical by England's foremost parliamentary authority, the motion for the previous question was in effect a surrender to the demand for an end of debate and led directly to passage of the resolution. It was a duplication by the House of Lords of the dominant aspect of the previous question in the 17th century.

"The House of Commons three centuries ago had other effective ways of dealing with excessive debate and kindred obstructive devices. On April 17, 1604 (1 month before the first use of the previous question), the following entry was made in the House Journal:

"'Agreed for a general rule, if any superfluous motion, or tedious speech, be offered in the House, the party is to be directed and ordered by Mr. Speaker.'

"Anybody who questions the force of that rule might observe how it was indexed at the time: "Speaker to stop superfluous motions, and tedious or impertinent speeches.' (Com. J. General Index, I–VII, 861).

"The moment the rule was approved, the Speaker proceeded to read a letter he had just received from 'one John Tey,' a member who was also 'the King's Aulnager [wool inspector] for London.' Tey complained that on his drawing up a motion which represented the King's pleasure and express commandment, it pleased the Speaker 'to distaste my motion, and * * * to clip me off.' He intended to inform the King of this. On the Speaker's initiative, the House adjudged Mr. Tey's conduct 'to be an error in the party, and he was ordered to acknowledge his error publicly; which he presently was content to do; and so was pardoned by the House.' The custom in that day was to send nonapologizing members to the Tower.

"That 1604 prohibition of any tedious speech came down through Hatzell into Jefferson's Manual, written to guide procedure in the U.S. Senate. Jefferson as Vice President had power to enforce it, which meant power to stop a filibuster. Together with the prohibition of any superfluous motion and kindred 1604 rulings, it furnished the legal basis for the declaration of the Speaker of the House of Commons on July 25, 1877, that willful and persistent obstruction of legislation is contempt of the House. Added to that is the direct link between the British previous question, whose main effect in early days was cloture, and the British closure motion of the present day—both of these having the same wording, 'That the motion be now put,' and the same effect when carried.

"I have said that in the House of Commons the previous question was transmuted into cloture. That is definitely revealed in the 1881 records, together with the inherent power of the House to control an obstructive minority. Faced with a prolonged filibuster against the protection of person and property (Ireland) bill, the Gladstone ministry kept the House in continuous session from 4 p.m. on Monday, January 31, until 9 a.m. Wednesday, February 2. At that hour the Speaker said that, in spite of a 5-day debate and 41 hours of continuous sitting, an important measure, declared to be urgent, was 'being arrested by the action of an inconsiderable minority, the Members of which have resorted to those modes of "obstruction," which have been recognized by the House as a Parliamentary offense.' With the legislative powers of the House thus paralyzed:

"'A new and exceptional course is imperatively demanded; and I am satisfied that I shall best carry out the will of the House, and may rely upon its support, if I decline to call any more Members to speak, and at once proceed to put the question from the chair.'

"He proceeded to put the question and it carried, 164 to 19. Prime Minister Gladstone then arose and offered the 1881 "Urgency Rule," by which, on a 3-to-1 vote of the House that a measure was urgent, "the powers of the House for the regulation of its business" were vested completely in the Speaker. He could do whatever the House had power to do. What followed is revealed in Hansard's Parliamentary Debates for February 25, at a later stage of the person and property filibuster:

"'Mr. O'Donnell: I wish to say—and I will delay the House only a very few minutes—

"'Mr. Speaker: It appears to me to be the general sense of the House that the question should be now put.

"'The Marquess of Hartington [a Secretary of State]: I beg to move, sir, that the question be now put.'

"'Motion made, and question put, "That the question be now put."'

"The motion carried, 282 to 32, and the House then voted 281 to 36 'That this bill do pass.'

"This took place nearly 2 years before the word 'cloture' or the 'cloture rule' came into the House of Commons rules. What actually happened was that on the Speaker's initiative, and in fulfillment of the mandate given him to stop filibusters, the wording of the previous question was employed, deliberately and knowingly, for the specific purpose of ending debate and forcing a vote on the bill. The same thing happened 4 days later on another bill, and in each case the action was indexed in the Journal of the House of Commons as a motion for the previous question. Here are the two entries in the index to the 1881 Journal:

"'Question, previous; put and agreed to, it appearing to Mr. Speaker to be the general sense of the House, That the question be now put [page] 96. Mr. Speaker having stated that he collected from the last division, that it was the general sense of the House, that the question be now put, 100.'

"Thus we find that after closing debate 491 times in the 17th century, through the motion for the previous question, the House of Commons deliberately resorted to the same instrument in 1881, for the purpose of ending filibusters. Back of all this is the demonstrated fact that the House of Commons, like any parliamentary body, has power to insure the orderly transaction of business according to the will of the majority, and that this power was effectually exercised by the Speaker, with the unspoken assent of the House, before he was formally clothed with this authority.

"Apply these long lines of precedent to the current controversy over the senatorial filibuster, in which the previous question is likely to be invoked during the process of changing the rules. It is clearly revealed, not only that cloture was the most familiar result of moving the previous question during the first century of its use, leading logically to the American use of it for that purpose, but that British practice took the same direction when the need arose in the 1880's. And it is evident that any attempt to filibuster the putting of the motion for the previous question is contempt of the House under parliamentary practices running back to 1604.

"If British precedents are to be invoked today, to curb the right of the United States Senate to change its rules through the freely expressed will of the majority, it will have to be done in defiance of English history as well as of the United States Constitution.

"Yours sincerely,

"IRVING BRANT."

Mr. DOUGLAS. Mr. President, Mr. Brant's findings are summarized in the following sentence of his letter:

"The result is a mountain of evidence that, measured by its effect, the previous question was infinitely more important in the early period as a producer of cloture than as a method of postponing a question."

The proof of this assertion is found in the figures Mr. Brant cites on the use of the previous question motion in the British House of Commons. First, however, recall that the proponents of the filibuster have claimed that the previous question motion in the early Senate was like the rule in the British Parliament in that—they say—it did not limit debate but avoided a vote on a subject. And my distinguished colleague, the senior Senator from Georgia, referred to the previous question motion in the early Senate:

"That was the previous question rule from the British Parliament, which applied in that body for many years. A motion for the previous question was in the nature of a motion to postpone consideration of a bill before the Senate."

Mr. Brant made an extraordinary study of the many occasions on which this motion was used, and has tabulated the results. It is a tremendous feat of research, and is extremely important in the study of this question.

Well, what was that motion in the British Parliament, and what effect did it have?

In the 17th century—that is, from 1604, when it was first adopted to 1700—12 years after William and Mary ascended the throne of England—the previous question was moved on 736 occasions. Its effect was to close debate 491 times and to postpone only 245 times.

From 1700 to 1790—that is until the time when the first Senate of the United States adopted the previous question rule—the previous question was moved in the House of Commons 163 times. Its effect was to close debate 48 times, and to postpone 115 times.

Thus, in the almost 2 centuries of usage of the previous question rule in the British Parliament before it was adopted in the first Senate, we find that it was moved on 899 occasions. Its effect was to limit or close debate 539 times, and to postpone on 360 occasions.

So if the previous question motion in the early Senate was, as the proponents of the filibuster claim it was, the rule from the British Parliament, it is quite clear that it was a rule whose effect was to limit debate 60 percent of the times it was used prior to its adoption by the first Senate. Thus, its principal use was to close debate, and Mr. Brant is not in error when he states that there "is a mountain of evidence that, measured by its effect, the previous question was infinitely more important in the early period as a producer of cloture than as a method of postponing a question."

From 1790 to 1882—when the House of Commons adopted a specific cloture rule—the previous question motion actually limited debate on no less than 67 occasions. In this latter period the motion resulted in postponement on something like 294 occasions.

The form of the previous question motion in the British House of Commons evolved over the years, and the motion before 1882 was put "that that question be now put." If the "yeas" prevailed, debate was stopped and the main question voted on. When the "nays" prevailed, the main question to which it referred was postponed.

It should be noted that this motion was in the affirmative form, and the negative form of the previous question only came into use in the House of Commons in 1888.

In 1877, when the House was faced with obstructive debate over the South African bill, the Speaker ruled that—as was the tradition of the House—a Member who was willfully persisent in obstructive debate was guilty of contempt of the House. It should be emphasized that he was not announcing a new principle, but said at that time that everyone knew that obstruction was in contempt.

The House of Commons then had no cloture rule as such. The previous question had often had the effect of closing debate. The rules of Parliament, wrote Sir Thomas Erskine May (the Clerk of the House), in describing the situation, were designed to afford every legitimate opportunity of discussion. In the observance of these rules he said, "Freedom of debate has been respected with rare patience and self-denial." He then continued, and the citation is May's Law and Usage of Parliament, ninth edition, 1883, page 380:

"But of late, these salutary rules have been strained and perverted, in the House of Commons, for purposes of obstruction."

It became clear that such a course, if persisted in, would frustrate the power and authority of Parliament and secure the domination of a small minority, condemned by the deliberate judgment of the House and the country. That it was unparliamentary and opposed to the principles of orderly government was manifest, and on the 25th of July, 1877, it was declared by the Speaker:

"That any member willfully and persistently obstructing public business, without just and reasonable cause, is guilty of a contempt of the House, and would be liable to such punishment, whether by censure, by suspension from the service of the House, or by commitment, as the House may adjudge." (Sir T. Erskine May's Law and Usage of Parliament, 1883 edition, pp. 380–381.)

So, instead of converting the motion for the previous question into a means of cloture at that time, the Speaker asserted the power of the House, under general parliamentary practice, to stop a filibuster by suspending the participants or committing them. I ask those of my colleagues who appeal to British parlimentary practice as a guide to decision of points of order in the United States Senate, whether they are willing to be governed by this particular parliamentary power? Which would they prefer, to let debate be closed by moving the previous question—as is done in all other American legislative bodies—or would they rather be dealt with by a citation and punishment for contempt, which is an alternative if the general parliamentary practice of the British House of Commons is invoked.

In 1878, a select committee of the House of Commons was appointed to study the problem of obstructive debate and to make a report on that problem.

It will be recalled that the Irish leader, Isaac Butt, died in 1879 and Charles Stewart Parnell took over the leadership of the home-rule movement. As the eminent Oxford historian, Keith Feiling, put it, Parnell "set to work on two fronts: at Westminster, to make Parliament unbearable by obstruction until Ireland's claims were heard, and to bid one British party up against the other"—Keith Feiling, A History of England, London, Macmillan, 1950, page 978.

So it happened that the question of how to deal with obstructive debate came inescapably before the British House of Commons soon after the Speaker made his 1877 ruling.

The next move was the adoption of a standing order in 1880, under which any Member who was cited by the Speaker for willfully obstructing debate was suspended. Several Members were suspended, but the obstruction increased.

In February of 1881 the situation became so intolerable that I wish to quote the following from Hansard's Parliamentary Debates, third series, volume 257, column 2032, during the debate over the protection of person and property—Ireland—bill:

"(9 a.m. Wednesday, February 2 [1881])

"At this time Mr. Speaker returned to the House and resumed the chair; and the honorable Member for Cavan at once resumed his seat.

"Mr. Speaker thereupon addressed the House as follows:

" 'The motion for leave to bring in the protection of person and property (Ireland) bill has now been under discussion for above 5 days. The present sitting, having commenced on Monday last at 4 o'clock, has continued until this Wednesday morning, a period of 41 hours, the House having been frequently occupied with discussions upon repeated dilatory motions for adjournment. However prolonged and tedious these discussions, the motions have been supported by small minorities, in opposition to the general sense of the House.

" 'A crisis has thus arisen which demands the prompt intervention of the Chair, and of the House. The usual rules have proved powerless to insure orderly and effective debate. An important measure, recommended in Her Majesty's speech nearly a month since and declared to be urgent in the interests of the State by a decisive majority, is being arrested by the action of an inconsiderable minority, the Members of which have resorted to those modes of "obstruction" which have been recognized by the House as a parliamentary offense.

" 'The dignity, the credit, and the authority of this House are seriously threatened, and it is necessary that they should be vindicated. Under the operation of the accustomed rules and methods of procedure, the legislative powers of the House are paralyzed. A new and exceptional course is imperatively demanded; and I am satisfied that I shall best carry out the will of the House, and may rely upon its support, if I decline to call any more Members to speak, and at once proceed to put the question from the chair. I feel assured that the House will be prepared to exercise all its powers in giving effect to these proceedings.

" 'Future measures for insuring orderly debate I must leave to the judgment of the House. But I may add that it will be necessary either for the House itself to assume more effectual control over its debates or to entrust greater authority to the Chair.'

"Question put, 'That the words proposed to be left out stand part of the question.'

"The House divided—ayes 164, noes 19. Majority, 145.

"The Speaker then proceeded to put the main question, which was agreed to without a division.

"[These proceedings cause great excitement among the Members present; and those who had voted in the minority withdrew from the House, crying 'Privilege! Privilege!']

* * * * *

"Mr. GLADSTONE. I propose to move tomorrow the following resolutions:

"1. If upon notice given a motion be made that the state of public business is urgent, and if on the call of the Speaker 40 Members shall support it by rising in their places, the Speaker shall forthwith put the question [that the public business is urgent], no debate, amendment, or adjournment being allowed * * * and if the question be resolved in the affirmative by a majority of not less than three to one, the powers of the House for the regulation of its business upon the several stages of bills, and motions, and all other matters, shall be and remain with the Speaker, until the Speaker shall declare that the state of public business is no longer urgent."

This was adopted February 3, 1881, and the bill was voted to be urgent. The effect of this proposal was to affirm that the House had full authority to regulate its proceedings and to delegate this power to the Speaker to exercise at his discretion.

A few weeks later, there were two further incidents which show how effective the power of the Speaker to limit debate really was. I quote again from Hansard's Parliamentary Debates, third series, volume 258, column 1832, during the Debate over the Protection of Person and Property—Ireland—bill on February 25, 1881:

"Mr. O'DONNELL. I wish to say—and I will delay the House only a very few minutes——

"Mr. SPEAKER. It appears to me to be the general sense of the House that the question be now put."

In other words, he was shutting off debate.

"The MARQUESS OF HARTINGTON. I beg to move, sir, that the question be now put.

"[Hartington was described as 'one of Her Majesty's principal Secretaries of State.']

"Motion made, and question put, 'That the question be now put.'

"[Ayes 282, noes 32. Question put, 'That this bill do pass.' Ayes 281, noes 36.]"

And this action led to the following entry in the Index:

"Question, previous; put, and agreed to, it appearing to Mr. Speaker to be the general sense of the House, that the question be now put, 96."

The second incident is found in Hansard, same volume, column 2017, March 1, 1881, on the debate over the Peace Preservation—Ireland—bill:

"[Motion before the House that debate be adjourned.]

"The MARQUESS OF HARTINGTON. I hope the House will not assent to this motion, but that it will determine to conclude this debate tonight. If we may judge from the tone and character of most of the speeches recently delivered, it appears to me that there is not material for another discussion.

"(Journal of the House of Commons, p. 100, March 1, 1881)

"[Motion to adjourn debate defeated, after midnight, 202 to 21.]

"And, Mr. Speaker, having stated that he collected from the last division that it was the general sense of the House that the question be now put:

"A motion was made, and the question being put, that the question be now put.

"The House divided.

"The yeas to the right.

"The noes to the left.

"[Tellers named.]

"Yeas 200, noes 22.

"[Main question carried by same vote, authorizing the bringing in of a bill to amend the law relative to possession of firearms in Ireland.]"

And this action also led to the following entry in the Index for March 1, 1881:

"Question, previous, put, and agreed too * * * Mr. Speaker having stated that he collected from the last division, that it was the general sense of the House, that question be now put, 100."

These incidents show how the Speaker exercised the power to regulate proceedings and that the official index to the debates show the incidents as examples of the previous question which, on these occasions, closed debate and was used for that specific purpose.

Following these events it was decided that a formal system of closing debate would be more effective—as certainly it would be less irritating—than punishment for contempt. Thus, in 1882, the House adopted a cloture rule. The form of the motion was "That the question be now put." As a result, the House of Commons had two motions—the previous question and a cloture motion. They were both worded in the affirmative and they differed in form only between a "that" and a "the," that is:

Previous question: "That that question be now put."

Cloture: "That the question be now put."

There was another difference between these two motions apart from the difference between a "that" and a "the." Both ended debate and brought a vote if the "yeas" prevailed, but there was a difference between them when the "nays" prevailed. If the "nays" prevailed when the previous question was put, the effect was to postpone the matter. If the "nays" prevailed when cloture was put, debate continued.

Because these differences were so subtle and because the forms of the motion were so much alike, the Speaker, in 1883, proposed a change. He proposed that the form of the "previous question" be changed to the negative form, namely, "That the question be not now put." He did this for two obvious reasons: First, because when both motions were in the affirmative, it was easy to confuse one with the other. Second, as the "previous question" was ordinarily put for the purpose of postponement, but had the effect of cloture if the "yeas" prevailed and of postponement if the "nays" prevailed, the Member moving the previous question motion for the purpose of postponement had to vote against his own motion—or "nay"—if he wished his purpose to be fulfilled.

So, what happened was that the House of Commons actually followed two American precedents. In effect, it adopted the American system of using the previous question as a means of stopping debate, but changed the name of it from the previous question to cloture. It then preserved the motion for the previous question and held it to its original purpose of postponing a vote, by adopting the wording which we in the United States employed to achieve that end during the period of our confederation. It should be recalled, however, that the effect of its use in the Continental Congress was to end debate. Do not get the impression that this was a mere coincidence. I quote the words in which Sir Thomas Erskine May, the Clerk of the House of Commons, suggested the change. It is to be found on page 304 of the 1883 edition of his Law and Usage of Parliament:

"In 1778, the Congress of the Confederation adopted the 'previous question' in a negative form, i.e., 'that the main question be not now put,' which appears to be a superior form to that used in this country and is still followed, though with different objects, in America."

Sir Thomas explained the difference in a footnote on the same page:

"In America, the effect of the previous question is immediately to suppress all further discussion of the main question."

So there we have it.

In the United States, direct progression from original use of the previous question as a means of postponement, to universal use of the same motion as a means of forcing a vote.

In England a similar direct progression from one purpose to the other, but with the old form of the previous question given the new name of cloture, and the old purpose of the previous question preserved by giving the motion a new form.

Yet even in the House of Commons today, where the negative form of the previous question continues to be employed, the defeat of that motion will produce the full effect of cloture just as surely as will the carrying of the affirmative motion. In other words, two negatives make an affirmative. That is made perfectly clear in the latest edition—published in 1950—of May's treatise on parliamentary practice. I quote from page 389:

"If the previous question be resolved in the negative, the original on which it was moved must be put forthwith, no amendment, debate, or motion for adjournment being allowed, because, as the House has negatived the proposal, 'That that question be not now put,' the question must be put at once to the vote."

It is, therefore, clear that in both the United States and England, all of the legislative bodies that have been confronted with filibusters—all of them that have been so confronted except the U.S. Senate—have done what was necessary to rescue the legislative process from the obstructive tactics of a small minority. Majority rule has prevailed, with the rights of the minority respected.

Now let me discuss this development to curb excessive debate. It is perfectly clear from what I have already said that, in England, the principal effect of the motion for the previous question in early years was to close debate. In later years, its principal effect was to postpone a question on which the maker of the motion did not desire an immediate vote although its effect was still to limit debate on numerous occasions. It is not less true that in England, even today, the effect of putting the motion for the previous question—in case the House does not wish for a postponement—is to bring the main question to an immediate vote, without debate or amendment.

Finally, it is an unchallengeable fact that in parliamentary bodies in the United States, for about a century and a half, the previous question has been moved for the primary and explicit purpose of cutting off debate and forcing the main question to a vote.

How has this American development come about? Some will say it has come about by a perversion of the original rule. They simply complain that parliamentary bodies in the United States have converted the original British rule to postpone to a motion to limit debate.

But the truth is as we have seen that at the time the early Senate used the previous question as cloture, the British had, in fact, ended debate hundreds of times by that same method.

Others will explain this American development by saying that the motion for the previous question was the nearest instrument at hand to do what the Members of the Congress regarded as necessary to be done a hundred and fifty years ago.

I will go further and say—as must be clear from the exposition of the development of the previous question in the House of Commons—that the motion for the previous question was not merely the instrument nearest at hand, but that it was and still is far better adapted to the purpose of cloture than to the postponement of a subject. Of all the clumsy, backsided, crablike methods of securing a temporary postponement, the motion for the previous question is about the worst, when employed and worded as it was in the British House of Commons while that body was creating the alleged precedents—and I emphasize "alleged"—which are supposed to hogtie the American Senate today.

The reason is that prior to 1888, a Member of the House of Commons who did not want a question voted on made a motion that it should be voted on, now. He then voted against his own motion. If a majority did likewise—that is, if the motion was defeated—the subject was postponed to a future day. But if the motion carried, that was a vote to put the main question now, and it was put instantly, without debate and without amendment.

What was needed to convert the motion for the previous question from a method of postponement into a method of cloture? Nothing whatever was needed except that the Member who made the motion should wish it to carry, instead of wishing it to be defeated. All that was needed to make the motion effective for the purpose of cloture was that a majority should vote for it.

That is the sum total, the absolute total, of this supposed American subversion of a sacred English institution. How sacred was it? We have seen that the British in the House of Commons in the 17th century voted on the previous question 736 times. The result was "cloture" 491 times and "postponement" 245 times. Using only the logic of words, the House of Commons perverted its own rule more than two-thirds of the time. But, judging the matter both by the logic of words and the logic of results, it seems more natural to conclude that the British did not pervert their rule at all. Quite to the contrary. The utterly absurd and illogical system by which a man voted against his own motion has all the appearance of a reversal of the original process. Certainly, in the early days of America, our lawmakers merely decided that a motion to vote on a question now was a motion to vote on it now. That seemed more natural to them than to move to vote on it now in order to defeat the motion and prevent a vote on it now. I call that supposed perversion of the rule a natural, logical, and commonsense development, thoroughly typical of our countrymen at the be-

ginning of the 19th century. Right at that time a young diplomat—secretary of a foreign legation in Washington—wrote home as follows:

" '[In Congress] there are about five persons who look like gentlemen. All the rest * * * are well, indeed, if they look like farmers, but most seem apothecaries and lawyers.' (Augustus Foster to his mother, Lady Elizabeth Foster. Foster papers, Library of Congress.)"

I do not know about the lawyers, but it is my opinion that the farmers and apothecaries believed in putting motions that produced their desired effect by being passed, not by compelling a legislator to vote against his own motion.

V. Conclusion

In summary, it is clear that the United States Senate from 1789 to 1806 had a motion for the previous question. This motion was put in both affirmative and negative forms. Depending upon the will of the Senate, a vote on the motion could either postpone or it could end debate and bring the main question to an immediate vote. As it happened, on two occasions the purpose and effect of the motion was to postpone. On two other occasions the motion was moved for the purpose of closing debate and bringing a vote. On one of those two occasions that actually happened and on the other occasion the motion—though not voted on—achieved the same result.

Further, it is clear that the Senate, through the Vice President, had the power to limit or stop obstructive debate. On the one hand, the Vice President had the power to decide points of order without appeal to the Senate. On the other, Jefferson's Manual provided that "No one is to speak impertinently or beside the question, superfluously or tediously." From the history of the Senate in those days, it appears that Senators did not use the filibuster and, therefore, it was probably not necessary to invoke this power. However, the latter point is only conjecture, because we do not know the full details of events in the Senate owing to the lack of complete reporting of debates.

Finally, it has been clearly shown that for almost 200 years in the House of Commons, the motion for the previous question served principally to close debate. Later—in the 19th century—it became an instrument of postponement, and then, in the 1880's, the words of the motion were given a new heading—the title of cloture—while the motion for the previous question was given a negative wording which coincided with the purpose of postponement. In the early days of the United States Senate, the previous question was used for the purpose of cloture. It has been so used in the House of Representatives since 1811, and the same is true of all general parliamentary practice in this country. The evolutionary process in both the United States and England, except for the Senate of the United States, has been the same—toward the orderly use of parliamentary authority to prevent the obstruction of public business.

Broader and deeper than the form, purpose, and effect of the previous question motion in the early Senate and the power of the Vice President to preserve order is the power set forth in the Constitution—the power of the Senate to "determine the rules of its proceedings." The power to determine includes the power to change. That power cannot be taken away by law, by preexistent rules, or by precedent. It most certainly cannot be taken away by invoking the fictional tradition of a past that never was. Whenever a majority of a quorum in this body decides to cut loose from the tentacles of the filibuster, it will have the power to do so without "let or hindrance" from those who believe that democratic self-government is fulfilled in the paralysis of the legislative process.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Memorandum on the Development of Cloture and the Previous Question in American and British Practice, by Irving Brant.

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

"MEMORANDUM ON THE DEVELOPMENT OF CLOTURE AND THE PREVIOUS QUESTION IN AMERICAN AND BRITISH PRACTICE

"(By Irving Brant)

"The motion for the previous question originated in the British Parliament at the beginning of the 17th century. It was used in the American Continental Congress late in the 18th century and appeared in the first rules of both Houses of the United States Congress in 1789, but was dropped by the Senate in 1806.

" 'The previous question,' it is stated in Sir Thomas Erskine May's Law and Usage of Parliament, 'is an ingenious method of avoiding a vote, upon any question that has been proposed.' But if the majority does not wish to avoid a vote, the effect of putting the previous question is to cut off debate and force the main question to a decision at once. Thus the rule can, with equal ease, be made a method of postponement or an instrument of cloture, regardless of variations in the form of the motion or the original purpose of it.

"Forms of previous questions

"In the British House of Lords, the Lord Speaker puts the question, 'Whether the original question be now put.'

"In the House of Commons the words of the motion are negative, 'That that question be not now put.'

"In our Continental Congress, it was moved 'That the main question be not now put.'

"In the United States Senate, from 1789 to 1806, the prescribed wording was, 'Shall the main question be now put?'

"In our House of Representatives, the wording duplicated the Senate version, from 1789 until 1880, when it was decided that the Speaker, on motion, should ask for the yeas and nays on ordering the previous question.

"One would suppose, from the origin of the previous question and the present wording in the House of Commons, that the negative form originated in the Commons and was transplanted to America. That is not the case. Until 1888 the House of Commons used the affirmative form, and the circumstances of the change throw a striking light upon the present difference between American and British practice.

"England follows Continental Congress

"In the ninth edition (1883) of May's Law and Usage of Parliament, the author (who was clerk of the House of Commons) called attention to the awkward wording of the previous-question motion then in use: 'That that question be now put.' To use that motion in order to postpone or get rid of the subject, May pointed out, the mover had to vote against his own motion. He then suggested a change in wording based on American precedent:

" 'In 1778, the Congress of the Confederation adopted the previous question in a negative form; i.e., "that the main question be not now put," which appears to be a superior form to that used in this country, and is still followed, though with different objects, in America' (p. 304).

"American purpose is cloture

"This transatlantic difference was explained in a footnote:

" 'In America, the effect of the previous question is immediately to suppress all further discussion of the main question. Cushing, Law and Practice of Parliamentary Assemblies, 1855, pages 553, 554.'

"May's statement, made at a time when the U.S. Senate had no previous-question rule, referred to the general American practice. That is described as follows in Hughes' American Parliamentary Guide:

" 'The previous question in American assemblies is used exclusively to close debate and prevent amendments. * * * [It] may not be debated. May not be amended. * * * May not be postponed.' (Pp. 159, 569, 1924 edition.)

"Cloture and previous question in England

"Now, observe what was happening in England when May wrote about the differing purposes of the previous-question rule in the two countries. The year before, in 1882, the House of Commons had adopted a permanent closure rule which required an immediate vote on a motion "That the question be now put." This motion enabled a majority of members present to force an immediate vote on the main question. The closure rule was used at once, and freely, but 6 years passed before a member moved the previous question. The Speaker thereupon said (March 20, 1888):

" 'If I were to propose that question in the customary form, the terms of the motion would be "That that question be now put," words which are almost identical with the words of the motion for the closure of a debate.'

"They were indeed almost identical. The motion for the previous question differed from a motion for closure only by the difference between a 'that' and a 'the.'

"Previous question: 'That that question be now put.'

"Closure: 'That the question be now put.'

" 'That' and 'the' both referred to the same question. If the first was defeated, the subject was set aside but could be resumed on a future day. If the second was defeated, debate was resumed at once. But if either motion received an affirmative majority, the main question had to be put to an immediate vote, without debate or amendment.

"The Speaker then proposed and the House agreed to adopt the negative form 'That the question be not now put,'—the form used in the American Continental Congress.

" 'Previous question' always stops debate

"Thus it came about that in the House of Commons today the closure motion is worded affirmatively, the motion for the previous question is worded negatively. If the affirmative motion is defeated, the debate goes on. If the negative motion receives an affirmative majority, the subject is set aside till another day. But all debate is cut off and the main question is put to an immediate vote if the majority votes affirmatively on the motion with the affirmative wording, and the same is true if the majority votes negatively on the motion with the negative wording. This letter effect is clearly stated in the 10th (1893) edition of May's Law and Usage of Parliament:

" 'If the previous question be resolved in the negative, the original question must be put forthwith, no amendment, nor debate, nor motion for adjournment being allowed, because, as the House have negatived the proposal, "That that question be not now put," the question must accordingly be put at once to the vote.'

"When one considers the microscopic difference between cloture and the previous question in the original form of these British motions, and considers also that every form of the previous question establishes cloture when the majority votes that way, it becomes easy to see why the motion for the previous question has become the prevailing instrument of cloture in the United States.

"Use of motion in House of Representatives

"In the use of this motion it is far easier to trace the course of events in the House of Representatives than in the Senate. The halting of debate in the House, through the

motion for the previous question, became fully established in the bitter contest over foreign policy preceding the War of 1812. On February 27, 1811, with sine die adjournment compulsory on March 3, the climax was reached in a long filibuster which threatened defeat of the nonintercourse bill. The Democratic majority held the House in session all night. Between 2:30 in the morning and 5 o'clock, the previous question was moved and carried 6 times. Here are the entries in the Annals which describe the decisive use of the motion to force a final vote:

" 'Mr. P. B. Porter then said that, for the purpose of coming to a decision on the bill, and putting an end to a scene which was, to say the least of it, disreputable to the House, he moved for the previous question on engrossing the bill.'

"The motion carried and the bill was engrossed, and then, say the Annals, 'The previous question was required on its passage, and carried in the affirmative.'

"Senate was once a fast-acting body

"Philip Morier, British chargé d'affaires, relayed to London the slanderous report he received from Federalist Congressmen, that the bill 'was passed amidst the drunken shouts of the majority' at 5 o'clock in the morning. Instead of recording statistically what happened in the Senate, when that controversial bill arrived 3 days before the demise of Congress, allow me to quote what I wrote about it in James Madison, the President:

" 'The sober Senate, in which filibusters were unknown, passed it in 2 days' time, and the President signed it almost before the ink was dry.' (P. 263.)

"This contrast in speed between House and Senate was fairly typical. The most controversial treaty in American history, prior to the struggle over the League of Nations, was the one negotiated by John Jay with England in 1794. The Senate rejected one article and called for renegotiation of others, yet ratified the treaty in 2 weeks. The House made a 4 months' fight against the implementation of it. New England Senators violently hated the 1803 Louisiana Purchase, and could have nullified it by 2 weeks' delay in the exchange of ratifications. Yet the treaty of cession was ratified in 2 days.

"Early Senate rule on previous question

"In appraising the powers and actions of the Senate before 1806, in regard to limitation of debate, it is necessary to hold three things in mind:

"1. The absence of the filibuster during that early period.

"2. The purpose and effect of the limitations actually placed on debate—whether they represented a primary purpose or an incidental effect.

"3. The power of the Senate to curtail debate as a primary purpose, regardless of whether the actual curtailments were primary or incidental.

"The first and third of these chiefly affect the conclusions to be drawn; the second directly involves the circumstances of the actions. Those circumstances are not easy to ascertain, because the Senate in early years held all its meetings behind closed doors. The Annals of Congress, which are mostly a compilation of unofficial stenographic reports and summaries published in newspapers, contain no record whatever of Senate debates before 1800, and the Senate Journals and Executive Journals are of course empty of them.

"Senate rule VIII, adopted in 1789, made the motion for the previous question a privileged motion, and rule IX prescribed its wording and the manner of its use:

" 'The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.'

"First use of previous question in Senate

"This was first resorted to on August 17, 1789, when the Senate had before it a House bill authorizing an appropriation of $40,000 to pay the expenses of treaty negotiation with the hostile Creek Indians. A Senate committee reported this bill favorably, but advised a pledge in addition that if the treaty should fail to establish peace, 'Congress will make such grants of money' as might be necessary to protect the frontier.

"The report was rejected, whereupon its backers offered a motion empowering the President to 'draw on the Treasury for defraying the expenses' of troop movements that might be made necessary by failure of the treaty. The Senate Journal next records:

" 'And on the motion for the previous question, to wit: "Shall the main question be now put?" It passed in the negative. The Senate adjourned to 11 o'clock tomorrow.'

"On the following day, by a vote of 12 to 7, the Senate struck '$40,000' out of the House bill and inserted '$20,000.' A new resolution was then offered to give the President discretionary spending power. Like its predecessor, this resolution encountered a motion for the previous question and the result was the same. 'It passed in the negative,' records the Senate Journal. 'And on the question upon the bill, it was resolved, to concur therein with the amendment.'

"Since the movers of the previous question are unidentified and the yeas and nays were not taken, there is no tangible record to show whether these two motions were intended to force a vote on the two resolutions or to get them out of the way. The latter seems more probable because such a maneuver would enable the economy bloc, which enjoyed a 12-to-7 majority, to avoid an indefinite grant of spending power to the President and yet escape the odium of a vote against the defense of the frontier.

"Negative form used for postponement

"The previous question was next moved on January 12, 1792, when the Senate was considering the nomination of William Short, then chargé d'affaires at Paris, to be Minister at The Hague. President Washington, on December 22, had submitted Short's name for the Holland post along with those of Thomas Pinckney and Gouverneur Morris for London and Paris. All three legations had been without a minister for some years.

"On December 29—the fourth day of debate—a motion was offered 'that, in the opinion of the Senate, it will not be for the interest of the United States to appoint ministers plenipotentiary to reside permanently at foreign courts.' This was amended next day to read 'that the Senate do not possess sufficient evidence to convince them that it will be for the interest,' etc., and was referred to a committee to report generally thereon.

"The committee reported on January 6 that from the facts communicated to them, they are of opinion that there is now a special occasion for appointing a Minister to the Court of London. Pinckney was thereupon confirmed without a rollcall. A fight was made against the report that there was a special occasion for appointing a minister to France, but it carried 19 to 7 and on the following day Morris was confirmed, 16 to 11.

"Part of an isolationist fight

"On the nomination of William Short, the committee reported the information obtained from the Secretary of State on this subject. The information unquestionably was favorable, for Secretary of State Thomas Jefferson had unbounded admiration and affection for Short, his former Secretary of Legation at Paris. The report, however, was followed by a motion 'that there is not, in the opinion of the Senate, any present occasion that a Minister should be sent to The Hague.' The Executive Journal continues:

" 'On this motion, the previous question was moved for, to wit: "That the main question be not now put." '

"On motion, the nomination and motion of disapproval were put over till Monday, the 16th. On that day, the previous question was put to a vote which came out 13 to 13. The Executive Journal then records:

" 'The numbers being equal, the previous question was by the Vice President determined in the affirmative.'

"Since the motion was worded in the negative, this was a decision that the question be not now put. The Senate thereupon confirmed Short, 15 to 11.

"Dangerous debate is avoided

"In this instance, it will be noted, the Senate disregarded the form of previous-question motion prescribed in rule IX and went back to the negative form used in the Congress of the Confederation. The reason for that is evident in the nature of the conflict. Besides wanting to get rid of all foreign legations, the Senate isolationists were rubbed raw by the fact that in Holland the United States owned an expensive, long-empty hotel which had been bought by Minister John Adams during the Revolution to impress money-lending Hollanders with the soundness of American securities. If that issue were debated in the Senate, Short would be in trouble.

"Of the 13 Senators who voted for the motion not to put the motion, 12 voted immediately afterward to confirm Short. By moving the previous question, they not only got rid of a dangerous resolution, but limited the debate on confirmation to the issue of Short's fitness for the place—an issue on which he was impregnable. If any Senator undertook to speak against the mission itself, he would be subject to a ruling by Vice President John Adams that he was violating the decision on the previous question. The purpose and effect were made unmistakable by the resort to the negative wording of the motion, which conflicted with the rules of the Senate. As it was, the tie vote broken by the Vice President was taken as an omen of ultimate defeat. Secretary of State Jefferson sent orders to Holland that the legation building be sold at once and advised Short to apply for a transfer to some other post. Congress, he wrote, was likely to close the one at The Hague by refusing an appropriation for it.

"Senate forces vote by 'previous question'

"The previous question was moved on a third occasion on February 26, 1799, during a lull in the excitement which resulted from the XYZ disclosures. Following a conciliatory overture by Talleyrand to William Vans Murray, who had succeeded William Short as Minister at The Hague, President John Adams on February 18 nominated Murray to be the American Minister at Paris. Faced with a senatorial revolt, he shifted on the 25th to the nomination of Chief Justice Ellsworth, Patrick Henry, and Murray as envoys extraordinary to France, with treaty-making powers. The next day a motion was offered, declaring that the new message superseded the prior nomination of Murray alone. The previous question was moved in the form prescribed in the rules: 'Shall the main question be now put?' Both it and the main question, the Executive Journal reveals, were 'determined in the affirmative.' One can only speculate as to the circumstances which produced this motion for the previous question. It involved no hostility to Murray, who was the only one of the three special envoys to receive unanimous confirmation. The motion could have been made to prevent or cut off a politically dangerous debate—for the sending of this peace mission wrecked the Adams Cabinet and split the Federalist Party asunder. It could

have been an impatient way of preventing a waste of time discussing a question that required no discussion. If nobody wanted to talk there was no reason to make the motion. The one certainty is that the previous question was moved to bring the main question to an immediate vote, not to postpone it. Thus it disproves the contention, made on the Senate floor on January 4, 1957, that the Senate before 1806 governed its practice solely by 'the previous-question rule from the British Parliament, which * * * was merely a method of disposing of a measure, without taking action on it at that time.'

"'Previous question' in impeachment trial

"The last senatorial motion for the previous question was made on March 10, 1804, when the Senate was sitting as a court in the impeachment of Judge John Pickering. Climaxing a 3-day debate behind closed doors, Senator White, of Delaware, offered a resolution—regarded by the majority as an accusation of ex parte prosecution—'That this court is not at present prepared to give their final decision' upon the articles of impeachment. The reason: no inquiry had been made into the suggestion that the judge had failed to appear because he 'was and yet is insane.' The official record recounts a series of objections and out-of-order motions leading up to the following:

"'Mr. Nicholas hoped it would not be permitted to go upon the journals of the court.

"'Mr. Jackson moved the previous question, viz: "Shall the main question be now put?"'

"Senator White wanted the yeas and nays on whatever was done to dispose of his resolution. Then:

"'On motion of Mr. Dayton, the galleries were cleared and the doors closed.

"'At 3 o'clock the doors were opened, and the question was taken upon the resolution as at first submitted, yeas 9, nays 19' (Annals of Congress, Eighth Cong., first sess., pp. 362–363).

"This record reveals the alinement, Jackson being a lieutenant of Nicholas, who was President Jefferson's right hand man. In other respects it's far from clear. However, the diaries of Senators John Quincy Adams and William Plumer make it evident that the Official Reporter transplanted the motion to close the doors, to the point at which they were reopened. The galleries were actually cleared (though not at the first attempt) a short time after the resolution was introduced; the previous question was moved just before the reopening. The remark by Nicholas, which preceded the motion, was made in the middle of a debate which would have been out of order in open session. Both this fact and the nature of the struggle are made clear in the diary of Senator Adams, a Pickering supporter.

"Majority wanted to prevent debate

"'On this resolution (wrote Adams) it was not without the utmost difficulty that any discussion whatsoever could be obtained.'

"He described an opening maneuver by Senator Nicholas, the majority leader, and then wrote:

"'The next struggle was to prevent all debate upon the resolution. By our rules there can be no debate on any motion in open court. A motion to close the doors for the purpose of discussing the resolution was rejected.'

"Senator Smith, of Ohio, asked the meaning of part of White's resolution. The answer could not be given in public, so he reversed his position and furnished the additional vote needed to go into conclave. Thereupon, wrote Adams:

"'The galleries were cleared, and a short discussion of the resolution was held * * * Mr. Anderson [of Tennessee] and most of the Members of the majority all the time manifesting the most extreme impatience to open the doors and stop all further debate.'

"The nature of the discussion is indicated by Senator Plumer's record of the remarks of the majority leader:

"'Mr. Nicholas vociferated, order, order, order—I will not submit to hear our proceedings called by the degrading name of a mock trial.'

"To which White replied that he did not mean to offend the Virginia Senator, but he would not retract his words:

"'If in this I have offended him, I am willing and ready to give him satisfaction at any time and place he will please to name.'

"It was in this atmosphere, after this offer to fight a duel, that Senator Jackson moved the previous question and White demanded the yeas and nays. That forced the issue, but at this point the special impeachment rules took over.

"Opening Senate doors had effect of cloture

"Under the rules, all motions had to be voted on by yeas and nays in open court. It was necessary to open the doors in order to vote on Jackson's motion. But opening the doors would produce the precise effect desired from the motion for the previous question. It would stop all debate, because debate was forbidden in open session. It would lead at once to a final vote, because the President pro tempore had ruled that the White resolution was fairly before the court and must be disposed of before other business was taken up, while procedural objections by Adams had balked all attempts at amendment. The effect of the majority maneuver was cloture, and Adams bitterly recorded the result:

"'The doors were opened. The yeas and nays were taken on Mr. White's resolution—yeas 9, nays 19.' (White had walked out.) (Memoirs of John Quincy Adams, I, 302. William Plumer, Memorandum of Proceedings in the U.S. Senate, 1803–7, pp. 173–177.)

"I shall now offer some observations on the factual record.

"Senate did not follow early British usage

"Had the Senate been governed by the British practice of using the motion for the previous question to postpone a subject, that would have been the object in all four of the cases in which the Senate resorted to it. Instead, both in 1799 and 1804, the purpose and effect were to bring the main question to a vote, and in the 1804 instance the first objective was to halt a debate which was obnoxious to the majority.

"There is no possibility that Senator Jackson moved the previous question in order to postpone the White resolution. Had that been the intention, it would have been necessary for the anti-Pickering forces to put the motion for the previous question to a vote and defeat it, thus deciding not to put the main question. Instead, they cut off debate by opening the doors, put the main question, and defeated it. They halted the debate just 2 hours after the question at issue was formally placed before the Senate.

"This action was a little less ruthless than it seems, because the subject of Pickering's alleged insanity had been debated at large, behind closed doors, for the better part of 3 days. A motion to postpone a decision was beaten on March 9, 10 to 20. The repetition of it next day, with accusatory language in the resolution, did not put the majority in a mood to tolerate prolonged and uninhibited debate.

"Senate set precedent for House of Representatives

"Observe the similarity of language employed in the debate leading up to this final moving of the previous question in the Senate, and the first use of it in the House of Representatives to stop a filibuster. 'Order, order, order,' shouted Senator Nicholas. 'I will not submit to the degrading [accusations].' And in the House of Representatives, 7 years later, the same rule was invoked to end a debate described as 'disreputable to the House.' That body, instead of inventing a new form of cloture, was actually following the precedent set in the Senate.

"In the sequence of motions for the previous question in the Senate there is a remarkable resemblance to the evolution of the previous question and closure in the British House of Commons. When the supporters of William Short used the 'previous question' to avoid a debate and a vote that would imperil his confirmation, they emphasized their purpose by ignoring Senate rules and offering the negative form of the motion, 'That the main question be not now put.' But when the majority wanted to silence the Senators who were calling the Pickering procedure a mock trial, they adhered to the Senate rules and employed the words, 'Shall the main question be now put?'

"American and British parallels in cloture

"That shift in the resort to the two forms is analogous to what took place in the House of Commons in the 1880's, when the form of the previous question was 'That that question be now put.' Instead of utilizing this for closure without changing the name, the House of Commons reworded the previous question to the negative form which was used by the U.S. Senate in the case of William Short. The old affirmative British form of the previous question, analogous to the one used by the Senate in the Pickering case, was given the name of 'closure.' Under that title it is employed today in England for the precise ends which every American legislative assembly, except the U.S. Senate since 1806, achieves by means of the previous question. In the Senate before 1806, in the House of Representatives since 1789, and in the House of Commons since 1887 (when the original closure rule was strengthened) those three bodies demonstrated their ability to cope with every problem of obstruction procedure which they faced.

"Vice President's rulings were unappealable

"Ability to halt debate in the Senate before 1806 depended on one point alone—whether Senators could talk indefinitely, without let or hindrance, on the motion to invoke the previous question. The answer to that is 'No,' because in that day there was no appeal from the decision of the Vice President on points of order.

"This very point was raised in the Senate during a debate on filibusters in 1891, and the earlier plenary power of the presiding officer was admitted by one of the leading champions of the filibuster in his day—Senator Carlisle, of Kentucky, whose congressional career included three terms as Speaker of the House of Representatives. Carlisle had asserted that 'the motion for the previous question was debatable in the English House of Commons from the time it was first established in 1604 or 1605 until the present hour.' It was used there, he said, not to suppress debate but to suppress the subject itself without a direct vote on it, 'and for that purpose it prevailed in this Senate until perhaps about the beginning of the present century.'

"Carlisle's assertion about the use of it in the Senate was erroneous though no doubt sincere. What attracted attention, however, was his seeming implication that the motion to invoke the previous question was equally debatable in the House of Commons and in the United States Senate. The following colloquy ensued:

"'Mr. ALDRICH. Will the Senator allow me to interrupt him?

"'Mr. CARLISLE. Certainly.

"'Mr. ALDRICH. Is the Senator aware that in the Senate until 1828 the presiding officer, the Vice President, decided all questions of order without appeal and without debate?

"'Mr. CARLISLE. Certainly. * * * The proposition I make is that as soon as you gave

the Senate the right to pass upon an appeal, as soon as you provided by your rule that the question should come before the Senate for its decision, then it came there as every other question must come before a legislative assembly, subject to debate unless you provided to the contrary in the rules' (CONGRESSIONAL RECORD, Jan. 21, 1891, vol. 116, p. 1606).

"Although he conceded that the Vice President originally possessed power to prevent a filibuster, Senator Carlisle contended that after 1828, when appeals from the decisions of the chair were sanctioned, the Senate became subject to the general parliamentary practice concerning the previous question, which, he said, had been debatable in the English House of Commons 'from the time it was first established in 1604 or 1605 until the present hour.' On this reasoning, a Senate minority could prolong debate forever, on the changing of a rule, by talking forever against the motion to put the previous question. That has become, in truth, the solitary parliamentary point on which today's Senate minority relies to preserve its power to paralyze the business of Congress.

"Debate for obstruction held to be contempt

"But Senator Carlisle overlooked one fact. If any member of the House of Commons undertook to debate any motion for the willful and persistent purpose of obstructing legislation, he was guilty of contempt and could be suspended or sent to jail. The cloture rule was adopted in 1882, not to create a power to control debate, but to cut it off by a simple vote of the House instead of through the use of its police power. This is made crystal clear in the 1883 edition of May's Law and Usage of Parliament (p. 380):

" 'The rules of Parliament are designed to afford every legitimate opportunity of discussion, to insure reasonable delays in the passing of important measures, and to guard the rights of minorities. In the observance of these rules, both houses have displayed a generous regard for the liberty of individual members, and of political parties. Freedom of debate has been respected with rare patience and self-denial. * * * But, of late, these salutary rules have been strained and perverted, in the House of Commons, for purposes of obstruction. It became clear that such a course, if persisted in, would frustrate the power and authority of Parliament, and secure the domination of a small minority, condemned by the deliberate judgment of the house and the country. That it was unparliamentary and opposed to the principles of orderly government was manifest; and on July 25, 1877, it was declared by the Speaker, "that any member willfully and persistently obstructing public business, without just and reasonable cause, is guilty of a contempt of the house, and would be liable to such punishment, whether by censure, by suspension from the service of the house, or by commitment, as the house may adjudge." '

"The Speaker was not setting forth a new principle but reasserting an ancient one. The quoted sentence opened with the words, 'Now, the house is perfectly well aware' that any member thus obstructing public business is guilty of contempt. The antiquity of that principle can be sensed in the declaration in Jefferson's Manual that no person 'is to speak impertinently, or beside the question, superfluously, or tediously.' Jefferson based that statement—which clearly outlaws the filibuster—on Hatsell's Precedents, and Hatsell cited a string of prohibitions proclaimed in the spring of 1604. (2 Hatsell, 230–238, 1818 edition.)

"In 1880, 3 years after the Speaker of the House of Commons invoked the rule of contempt, this was implemented by a standing order for the suspension of any member named by the Speaker 'as disregarding the authority of the chair, or abusing the rules of the house by persistently and willfully obstructing the business of the house, or otherwise.' Suspensions followed, says May, but obstruction continued. The house then shifted to a cloture rule which controlled the filibusters without resorting to the punishment of individuals.

"Ample power in Senate today

"From the whole record three things seem clear:

"1. The British Parliament, on whose precedents the defenders of the filibuster chiefly rely, has always possessed power, independently of its modern cloture rule, to prevent the obstruction of public business through misuse of debate.

"2. The United States Senate, from 1789 to 1806, had ample power under its rules to cut off debate and bring any question to an immediate vote, by the action of a majority of Senators present, supported by an unappealable ruling of the Vice President against obstructive tactics. It used its power to this end in 1804.

"3. The use of the motion for the previous question to close debate, now virtually universal in American parliamentary practice, is not a perversion of the original rule, but an evolutionary development growing out of the problems of democratic self-government.

"Against this array of facts the defenders of the filibuster have no defense except the erroneous claim that under general parliamentary practice—meaning British practice—the motion to put the previous question may be debated to death. Nowhere in the world is that true and never has been true. The motion to put the previous question is totally undebatable in the United States House of Representatives and in American State assemblies, which use it expressly for cloture. In the Senate before 1806, any attempt to turn normal discussion of that motion into a filibuster—i.e., to talk endlessly on the question whether the debate had been long enough—could be quelled instantly by the Vice President. In the British House of Commons, ancient usage and modern practice combine to make any debate, on any motion, a contempt of the House when it represents a willful and persistent attempt to obstruct public business. That covers the field.

"To put an end to filibusters in the Senate today it is only necessary for a majority of Members present to uphold the Vice President in two rulings. One of these Vice President NIXON has already offered as an informal but officially recorded opinion: That a Senate rule which hampers the power of the Senate to change its rules is unconstitutional.

"The other is: That if, in the process of changing the rules, the previous question is invoked under general parliamentary practice, the procedure adopted shall follow either the American rule of no debate on that motion, or the British rule of no obstructive debate on any motion. If the filibusterers wish to jump from the frying pan into the fire, they can appeal to the practice of the United States Senate before 1806, when the British rule of no obstructive debate, reinforced by the unappealable power of the Vice President, enabled the Senate to take the lead in making the previous question an effective instrument of cloture."

Mr. DOUGLAS. I thank the Chair, and I thank the Senator from Georgia.

ADJOURNMENT

Mr. RUSSELL. Mr. President, if there is no further business, I move, under the order previously entered, that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 10 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Friday, January 6, 1961, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Local-State Efforts Needed To Spur Economic Progress

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Thursday, January 5, 1961

Mr. WILEY. Mr. President, during the days ahead, the economic problems confronting the country will be one of the major issues with which we will be concerned.

As necessary, Uncle Sam needs to take action to help spur business and industrial activities, to create more jobs, and generally to improve our economic outlook. I am not one, however, who believes that Uncle Sam must do the whole job.

On the contrary, I believe we are overlooking our greatest potential for economic progress if we ignore, or attempt to usurp, the responsibility of States and local communities to act effectively in promoting economic progress.

Across the country, we find that problems differ widely. Consequently, we need programs tailored to each specific situation. This requires constructive, creative efforts, not simply by the Federal Government but also by States and local communities.

In a special report to my constituents, I recently reviewed a series of steps which, if undertaken, could help tremendously in improving the economic outlook. Following its publication, a great many individual, civic, and governmental interests endorsed this approach. Believing it may offer some useful ideas for dealing with our economic problems, I ask unanimous consent to have the report printed in the RECORD.

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

SPECIAL ECONOMIC REPORT BY HON. ALEXANDER WILEY, OF WISCONSIN

A dynamic economy depends upon citizen-community-free enterprise cooperation to assure a pace of growth necessary to meet the needs of the people and the economy. To accomplish such a goal requires a multi-pronged program. Particularly, it demands creative thinking and planning "tailored" to the needs of each community.

Over the years, a number of programs have been initiated to provide a framework of action within which communities can move ahead to resolve economic problems and to promote progress. Among the major ones are included: Encouraging greater industrial development in both urban and rural communities; improving the outlook for job-creating businesses—large and small; expanding rural development programs, particularly in areas of chronically low income; and other efforts for maximum utilization of natural and human resources to serve our people.

Overall, these are examples of programs making a contribution in this field. However, a greater cooperative effort by State-local interests—working with, and utilizing services provided by, Federal agencies—is needed to promote economic progress.

ATTRACTING NEW INDUSTRY

To improve the economy, industrial progress, for example, can be spurred in two ways:

1. By attracting new industries. How can this be done? Initially, by forming a community development committee and carrying out investigations undertaken in the following areas: Determine quantity and skills of available workers; study economic trends in area; determine likely industrial prospects; survey of local market needs and opportunities; enlist assistance of State engineering schools, bureaus of business research, etc., to assist in specific technical problems. Discover why—in the past—industry may have failed or moved away; survey of locally available natural resources and industrial potential; clearinghouse of information on sources of venture capital; examine and utilize applicable methods of successful industrial expansion programs of other communities; determine needed civic improvements; i.e., traffic arteries, store fronts, garbage disposal, street paving, etc.; enlist assistance of Office of Area Development of the Department of Commerce and the Business and Defense Services Administration; review and, as possible, favorably adjust tax system and other local government services.

Having made these determinations, projects to remedy weaknesses should be commenced and publication and promotion of area's advantages should be undertaken. Additional steps include: Developing and reserving for industry suitable industrial sites; modernizing old industrial facilities and building new ones. Financing for such efforts can be raised by contributions or floating bonds.

2. To expand existing industry, the steps include: Attempt to find sources of business expansion loans (banks, individuals, insurance companies, the Small Business Administration); initiate local business and industry improvement clinics with assistance of local trade associations, Government field offices, university engineering and business schools; render, where possible, or suggest specialists to render, market and produce development assistance.

The Office of Area Development of the Department of Commerce provides technical services to States and local communities; issues publications on area development problems and assists States and local groups to: Create new industrial diversification; acquire and prepare land for industrial use; organize industrial districts; develop new products; locate new markets; locate industrial prospects; help manufacturers who are seeking sites for new branch plants to provide sources of data on plant location; provide guidance on security factors in plant location; plan site selection surveys and maintain a library of plant location data.

IMPROVING THE OUTLOOK FOR NEW BUSINESS

Now, how is it possible to brighten the outlook for small business? Nationwide, there are over 4.6 million enterprises, including over 100,000 in Wisconsin, of which about 95 percent are small businesses.

To help meet some of the different problems, the Small Business Administration provides a number of services to small businesses and local development companies seeking to raise employment or economic development in a community. The programs include:

1. Local development company loans: Companies having a broad base of ownership may borrow funds to buy land and either build a new factory or expand and convert an existing plant, provided the project will aid a small business concern.

2. Production assistance: Small businesses are invited to register their facilities at the SBA regional office. The SBA acts as a clearinghouse for services which small firms may offer other small firms or larger firms.

3. Research and development assistance: Technical assistance is provided by SBA on product research, new product potential, processing methods, product and marketing developments, new industrial uses for materials, and industrial uses for agricultural products.

Assistance is also rendered through advice on problems of plant location and plant space and undertaking the locating of tools or materials needed; through the awarding of a certificate of competency, the small business is encouraged to bid in competition with larger firms for Government contracts; management courses, in conjunction with local educational institutions; management counseling with SBA regional office; management seminars and 1-day conferences; publishing information on available materials, patents, and how-to articles.

4. Financial assistance: Business loans—financing on reasonable terms when it is not otherwise available through private lending sources; disaster loans—granted to aid firms stricken by either physical damage or economic injury.

In general, the assistance rendered the small business emphasizes efforts to aid unemployment areas, areas affected by economic dislocation, depressed areas, areas whose economy is adversely affected by Government-sponsored projects (such as the Federal highway program) or whose economy is adversely affected by natural economic shifts.

DEVELOPMENT OF SMALL BUSINESS POOLS

The development of small business pools, also, is helping to meet some problems that could not otherwise be resolved, such as programs to collect market and research information related to a particular industry for dissemination to participating members; construct, acquire or establish laboratories and other facilities for the conduct of research; prosecute applications for patents and render patent services for participating members; as well as negotiate and grant licenses under patents held under joint programs.

RURAL DEVELOPMENT PROGRAM

The general objective of the rural development program is to assist in remedying low income on farms and disadvantaged rural families.

The major targets of the program include providing farm families with information and ability to gain tools, land, and skills for successful farming; education and job training; health services and community sanitation; expansion of markets for products of small farms, i.e., new processing plants, additional co-ops; changes in crops and increased crop production; forestry and conservation assistance for small woodlots and timber processing enterprises; water resource development; and industrial development. About 200 counties in 30 States, including Sawyer and Price Counties in Wisconsin, have been designated for the rural development program.

The accomplishments achieved have been: new businesses and services activities have added nearly 18,000 full- or part-time jobs; market improvement projects started; soil mapping completed on farms in rural development areas; projects in health services reported; rural clubs organized in communities, to exchange ideas on promoting better living; and other steps that have improved income and farm life.

How can a local county with chronic low income initiate a rural development program? A county may apply to the State rural development committee (in Wisconsin, headed by Henry L. Ahlgren, associate director of extension, University of Wisconsin). The committee decides which counties and/or areas will be designated, and how extensive the program will be in those areas. Even though the county may not be designated a rural development county under the program, it can ask the State extension service and the university for technical assistance. It can, under its own aegis, follow closely the form of the rural development counties. And, if the State rural development committee assents, it can have the help of rural development agents on specific problems.

A BIGGER SLICE OF THE MULTIBILLION-DOLLAR TOURIST PIE

Looking now to the development of tourist trade, we find that tourism is one of the fastest developing businesses in the United States. Annually, tourists in this country spend $15 and $20 billion.

As of now, tourism is the third largest industry in Wisconsin. However, I believe we can cut, for our Badger State, an even larger slice of this economic pie.

Tourism benefits not a few, but many segments of the community's economy, including services, transportation, accommodations, entertainment, cleaning services, products such as sporting equipment, souvenirs, fashions, etc., utilities (power, water, light). The result: greater economic growth and easing the local tax burden. A secondary benefit from tourism is that it attracts new industry through increase in population, pleasant locale for plant location, etc.

A great many communities can—either by exploiting an existing potential or even by importing one—probably turn themselves into regions which will appeal to tourists. Examples of attractions: A good inn, a historical landmark (battle site, churches, mill, etc.); a body of water, an animal preserve; hills, mountains, valleys, forests or woods; geological formations—such as the Wisconsin Moraines—and other natural or man-made features.

Programs that will develop tourist trade include: Facelifting program for the community; i.e., clean up unsightly areas, refuse, junk; paint and spruce up town; encourage clean, comfortable lodging places; well-cooked, well-served meals; developing, or improving specific tourist attraction; obtain expert advice in restoring historic structure, draining lakes, etc.; determine from what areas to attract tourists, and then advertise; enlist cooperation of area newspapers, magazines, TV and radio stations to help sell community.

What are basic tourist habits? According to a report by the Department of Commerce, 80 percent travel by air; 69 percent stay in motels; 26 percent stay in hotels and resorts; 27 percent with friends and relatives; most tourists take two vacation trips a year, totaling 20 or more days; 17 percent go in the winter; 18 percent in spring; 40 percent in summer; 25 percent in the fall; average annual expenditure per family is $400; roughly 1 out of 12 goes abroad each year. The rest stay in the United States, the largest single tourist market in the world.

Tourist development programs can be supported by private or business financing; by group (chamber of commerce, community associations, etc.) contributions; or other ways. Overall, expanding tourism promises

great things for the years ahead. Paid and increasingly longer vacations, good roads, more leisure time and money, early retirement, more education—all these portend a fast-growing opportunity for the American to travel.

SUMMARY

This, then, is a brief look at some of the opportunities for greater citizen-community-State effort to better utilize our human and natural resources. As this can be done more effectively and successfully, we, in Wisconsin, can build an already good life into an ever-brighter future.

National Concern About Civil Liberties of All Citizens

EXTENSION OF REMARKS

OF

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Thursday, January 5, 1961

Mr. WILLIAMS of New Jersey. Mr. President, the eloquent junior Senator from Maine, EDMUND S. MUSKIE, recently gave a major address at a meeting of the Florida Civil Liberties Union in Miami. He addressed himself to the question of differences among peoples of this Nation; he showed that differences can be a source of strength and not necessarily a source of weakness.

In his plea for national concern about the civil liberties of all citizens, the Senator expressed a confidence and a determination which should be shared by all who believe that much work must yet be done to guarantee and protect those liberties. Mr. President, I ask that unanimous consent to have the address printed in the CONGRESSIONAL RECORD.

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

THIS IS MY COUNTRY

(Address by Hon. EDMUND S. MUSKIE, of Maine)

My father's father was a farmer in Russian-occupied Poland prior to the turn of the century. He shared the intense patriotism and love of liberty which has preserved the identity of my ancestors as a people through centuries of oppression. He early determined that his youngest son, my father, should have an opportunity to build a better and freer life than appeared possible under the czarist tyranny.

And so it was that, in his early teens, my father was apprenticed to a tailor. At the age of 17, having learned his trade, he left his home, embarking upon a new life, preferring the bright prospect of the unknown and unfamiliar freedom to his oppression-darkened homeland.

What he found here forever justified his hopes and his father's faith. At his knee, I have heard him reminisce, for hours on end, out of the fullness of his heart, upon his boyhood life—the close family ties which bound him to loved ones he was never to see again, the warmth at his father's house, the joys and pleasures of his childhood. It could not have been easy for him to leave them behind. He talked to me of these things because he wanted to relive them. But he had a deeper purpose.

Increasingly, as the years pased by and my comprehension grew, he drove home his lesson. What he had lost had been more than offset by what he gained—for himself, for his father, and for me. Here, if a man had ability, he could apply it in a manner of his own choosing. Here, if a man had an opinion, he could express it without fear of reprisal. Here, if a man disagreed with governmental policy, he could say so, and, more than that, he could do something about it by casting his ballot at the polls. Here, a man was completely free to reap the fruits of his own integrity, intellectual, and physical capacity, his own work. There were no heights toward which he could not strive. It mattered not what his national background, his religious or political beliefs, his economic status in life might be.

These beliefs were my father's life. He held them confidently through periods when he felt the lash of prejudice directed against those of foreign birth and of his creed. On the evening of my inaugural day as Governor of Maine, he turned to me and said, very simply, "Now I can die happy." A few months later the final chapter of his life was written. I am sure that, in the closing moments, he must have thought of the strange and wonderful destiny which had so astonishingly vindicated the beliefs which had uprooted his life.

In 1789, Benjamin Franklin described the America which was my father's life, when he wrote:

"God grant that not only the love of liberty but a thorough knowledge of the rights of man, may pervade all the nations of the earth, so that a philosopher may set his foot anywhere on its surface, and say, 'This is my country.' "

Everyone in America is a member of a minority group. It may be economic, social, political, religious, racial, regional, or based upon national origin. It may not be such today as to set us apart in any unpleasant way. But it could tomorrow.

The character of our minority status may vary in its impact today upon our effective enjoyment of dignity, equality, security, and opportunity. It may not today constitute a disability in any of these respects. But it could tomorrow.

Our particular minority group may be joined today with others in a common cause or common prejudice or a common indifference with majority status. The accompanying power to affect the rights and privileges of minority groups not a part of the coalition is subject to abuse resulting from indifference, callousness, or deliberate intent. Today, as a member of the current majority, the possibility, or even the actuality, of such abuse may be of no concern to us. But it could be, if our particular minority group becomes the object of tomorrow's prejudice or indifference.

To those who say—and there are such—that certain national and ethnic groups are better and more desirable as Americans than others, let us ask: "Who is to make the selection, and at what point in history, and is the selection subject to revision as the majority coalition changes?"

To those who say that there are superior and inferior citizens, depending wholly upon race, national origin, religion, or color, let us ask: "Who is to make the selection and how can you be sure what your status will be when the majority coalition takes shape?"

I am not suggesting that the case for civil liberties should be based upon fear of each other.

I am saying simply this. Our differences have made our country great. They have done so because, increasingly, creative ability, intellectual capacity, and high moral and spiritual principles, wherever found, have been allowed to seek their highest attainable level.

I am also saying this. Our differences can destroy us; and the instruments for such destruction are prejudice, fear, indifference, hatred, and retaliation.

Is it better for us and our country that we seek reasons to like and trust each other? Or is it better that we seek reasons to fear each other?

In the 1860's, the Maine Legislature concerned itself with the problem of inducing settlements in the unpeopled townships of the State. An agent was sent to Sweden, with instructions to make vigorous efforts to establish a Swedish colony in Maine. Within 10 weeks he had brought to Maine 22 men, 11 women, and 18 children—including a pastor, farmers, a civil engineer, a blacksmith, 2 carpenters, a basketmaker, a baker, a tailor, and a shoemaker. They carved a home out of the wilderness of northern Maine. New immigrants followed. Within 5 years the population had increased to 600 who had built a prosperous community of 130 houses, barns, 2 steam sawmills, 1 water-power sawmill, and the incidental business establishments. At the end of 5 years, 133 men applied for citizenship.

A member of the Swedish Parliament wrote to the Governor of Maine as follows: "May the young colony of New Sweden grow and flourish, not only in material strength, but even in developing their moral and intellectual faculties. And may the new population thus add to your State and to your Great Republic a good and healthy element of moral power from the old world, and becoming inbued with the spirit of your free institutions, reflect that spirit on their native land.

"What we have lost in the old fatherland will then not have been lost to humanity: On the contrary, the trees have only been transplanted on a fresher soil, where they will thrive better, and give richer and more abundant fruits. God bless the harvest. God bless your land."

Civil liberty is the sunshine without which the crop will suffer. The enemy of civil liberty is prejudice. The cause of prejudice is fear—fear of the unknown, fear that there is no real basis for mutual trust and confidence, fear that those discriminated against may abuse power and authority if given the chance.

If such fears are well-founded, there is no real basis for democratic institutions. All the evidence from our national history and experience indicates that they are not well-founded. The growth of our free institutions—their effectiveness and strength—has been in direct proportion to the expansion of civil liberties and their enjoyment by greater numbers of our people of more diverse and varied backgrounds, talents, and experiences. This has been our harvest. And it has been fruitful.

The cause of civil liberties, then, is not simply that of do-gooders, or of neighbors interfering without justification in the affairs of neighbors. It is the cause of all those who are concerned that our national climate be a healthy one.

Let those who support this cause, however, avoid self-righteousness. Let us not refuse to give the trust and confidence which we ask. Faith begets faith if buttressed by an accumulation of reassuring experiences.

There are some important assumptions whose validity we ought to consider:

1. Long-sustained habits of discrimination generate forces of stress and strain which, if allowed to explode, can produce as much evil as the discrimination itself.

2. The overwhelming majority of Americans share the basic belief in the worth and dignity of the individual. Those who deny it to others do so, in many instances, because of a belief that their own is threatened.

3. The forces of decency will, in the long run, prevail. If we deny the validity of this assumption, then we ourselves are in doubt as to the integrity of democratic institutions.

Obviously, these assumptions do not solve the problems created by prejudice and dis-

crimination. They serve simply as a brake upon our impetuosity. They should not serve as an excuse for inaction.

Our goal must be to replace fear and distrust with understanding and trust.

How do we achieve it?

Communication—as between equals—is important.

Familiarity—as among equals—is important.

Education is important.

But how do we communicate, how do we get to know each other, how do we educate each other when there is stone wall resistance to even the slightest contact?

There are, of course, all of the arts which man has used to influence man since the beginning of time—and which reach their full potential in a democracy—the arts of persuasion, discussion, and debate—the power of example and experience.

There is also the rule of law—not as a primitive force, not as a harsh master, but as a stimulus, as a prod, as a standard of conduct.

We cannot legislate trust and understanding. We cannot legislate confidence. We cannot strike down fear by legislative decree. We cannot by a stroke of the legislative pen, create love and kindness in a human heart.

But we can, by wise legislation, create a climate in which men, separated by divisive differences, can learn to live together.

It is possible to establish rules to prevent abuses, to restrain the impulsive, to contain and eliminate excesses, to encourage responsible attitudes, to give support to moderation.

When men are equal before the law and are required to treat each other as such, they are more inclined to believe in such equality.

We have made legislative progress in this field in recent years. Some believe we have moved too fast; others that we have not moved fast enough. Without resolving that difference of opinion, I think it fair to say that we have moved ahead, that the movement has achieved constructive results, and that it gives promise of more progress.

In the long run, we must and will achieve basic civil liberties for all our people. Toward this end, we can do no better than to pray in the words of St. Francis:

"Lord, make me an instrument of Thy peace.
Where there is hatred, let me sow love.
Where there is injury, pardon.
Where there is doubt, faith.
Where there is despair, hope.
Where there is darkness, light.
Where there is sadness, joy."

SENATE

FRIDAY, JANUARY 6, 1961

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

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

God of all mercies, in a violent day swept by angry forces with which unaided we cannot cope, Thou only art our strength and refuge, amid mortal ills prevailing.

As citizens of a world that carries on its sagging shoulders problems of human relationships and burdens of suffering, greater than humanity has ever before borne, make us inwardly adequate to be Thy ministers of reconciliation.

In this day of crashing systems, save us from being prophets of gloom and of doom. As we peer at the fiery destruction of the old, may there be vouchsafed to us vistas of a richer, fairer earth to be.

Rising above all that is ignoble, teach us to work together in glad harmony for the honor, safety, and welfare of our Nation and of all peoples of this awakening earth who unite in mutual good will, determined to open the gates of life more abundant for all mankind.

In the name of Jesus Christ, our Lord, we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 5, 1961, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Investigating Subcommittee of the Committee on Government Operations be permitted to sit during the session of the Senate today.

I also ask unanimous consent that the Internal Security Subcommittee of the Senate Judiciary Committee be permitted to meet at 2 p.m. today.

The VICE PRESIDENT. Without objection, it is so ordered.

COUNTING OF ELECTORAL VOTES

Mr. MANSFIELD. Mr. President, there is a slight difference in the information which has been given to me as to the exact time when the joint session will be held, this afternoon, in the Hall of the House of Representatives. Can the Chair inform the Senate on that point?

The VICE PRESIDENT. The joint session is scheduled for 1 p.m., this afternoon.

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that it is my intention to suggest the absence of a quorum at 12:40; and at 12:45 the Senate will proceed in a body to the House of Representatives, for the official count of the electoral votes.

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

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, this morning I read in the press—although of course I learned a long time ago that one cannot believe all he reads in the press—that there was likely to be some controversy with respect to the electoral votes for the State of Hawaii. Does the majority leader have any information on that? Some of us do not always attend these vote countings. The vote countings heretofore have been had by various and sundry means.

Mr. MANSFIELD. Let me say to the distinguished Senator from Georgia that to the best of my knowledge the votes from the State of Hawaii have been dispatched by the Governor of Hawaii to the General Services Administration; that the Secretary of the Senate, Mr. Felton Johnston—at least, last evening, and, I am sure, also this morning—was and is in constant contact with the General Services Administration; and it is our hope that by the time we meet in the House of Representatives, the ballots from Hawaii will have been received, transferred to the proper receptacle, and made an official part of that ceremony.

Mr. RUSSELL. Mr. President, if the Senator from Montana will yield further, I wish to violate a rule I have followed for many years, because I am so intrigued by that statement. Let me say incidentally that I do not like to reveal abysmal ignorance, and as a rule I do not do so. But let me ask whether we have passed a statute which gives the General Services Administration custody of the electoral votes.

Mr. MANSFIELD. I am revealing my own ignorance on this matter, also. But I recall a conversation I had with the Secretary of the Senate last night, and I believe he said Governor Quinn had dispatched the ballots to the General Services Administration, and Mr. Johnston had been in touch with the Administrator of that agency, so that if they do arrive in time—and it was anticipated that they would—they could be transferred to him and, I assume, put in their proper boxes and placed in the Hall of the House of Representatives.

Mr. RUSSELL. The ballots to which the distinguished majority leader refers as having been dispatched by Governor Quinn confirm the latest report that the Democratic nominee carried the State of Hawaii by a small majority, do they?

Mr. MANSFIELD. That is my understanding, but I hope the Senator from Georgia will not hold me too closely to it.

The VICE PRESIDENT. Let the Chair ask whether the Senator desires to obtain a response to his inquiry.

Mr. RUSSELL. I understood the distinguished Senator from Montana to say that was his understanding, but that he was not completely assured. Probably the Chair is better advised on this subject than is the Senator from Montana, the distinguished majority leader.

The VICE PRESIDENT. The advice received by the Chair on this particular subject is only as good as that of the Parliamentarian; and the Chair knows that the Senator from Georgia and all other Senators respect the views of the Parliamentarian.