of growth over the next 5 years would not only offset the revenue effect but provide an excess of $1.5 billion.

Over and above these benefits is another that could prove to be the most important of all.

This is the postponement feature, which can be the launching pad for the greatest and most dynamic offensive against Government waste that our country has ever witnessed.

Over the years the Federal Government has been growing rapidly at the expense of economic growth, upon which it depends for revenue. This process has gone unchecked because there has been no competing claims for the use of the revenue overlap. Our bills fill this void by setting up an effective counterclaim.

Every one of the country's 60 million income-tax payers would be enrolled automatically as a watchdog of the Treasury. Taxpayers are bound to insist that the Government exercise every possible economy because their anticipated tax reductions will depend upon it.

When the people have a clearly defined choice between tax reform and increased Federal spending, you don't need a crystal ball to predict which they will choose.

The collective weight of this pressure for economy is guaranteed to have a restraining effect on the size of public expenditures. As a Congressman, I know that Members of both Houses will be loath to vote for appropriations that would tip the scale of budgetary balance. The executive branch should be just as fearful.

No one would invite the wrath of taxpayers who did not receive tax reductions upon which they had counted. The economies resulting would in no way restrict military and other essential expenditures.

We have in this legislation, then, dual forces for impressive and lasting public betterment—the urgently needed tax-rate reform and a checkrein on Government spending.

SENATE

WEDNESDAY, APRIL 12, 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:

Eternal God, for this hallowed moment we would hush our feverish clamor to silence, that the voice of Thy guidance may be heard, as we face perplexing problems which tie us so closely to the seething world.

We are conscious that it is a world where tyrants still deal in fetters and chains as they attempt to shackle the free spirits of men made in Thy image. We praise Thee for the multitude in every land with whom we are joined, who cherish freedom of body and mind more than life itself.

Our Father, never let us forget that it is in earthen vessels that we have the treasure of freedom which we guard.

Save us, O Lord, from the hypocrisy of beholding a speck in another's eye, without being aware of the log that is in our own eye.

Grant us inner discernment, so that behind all the facades of security, privilege, and success we may honestly recognize the imperfect condition of our own lives, even as Thou dost know it.

In all our striving to defend the truth, preserve in us the grace of self-criticism, so that the living faith of the dead may not become the dead faith of the living.

We ask it in the name of the Redeemer who is the truth and the light. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 10, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

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, without amendment, the following bills of the Senate:

S. 178. An act for the relief of Michael J. Collins;

S. 298. An act for the relief of Earl H. Pendell;

S. 900. An act to provide for the striking of medals in commemoration of the 250th anniversary of the founding of Mobile, Ala.;

S. 1295. An act to authorize the use of funds arising from a judgment in favor of the Nez Perce Tribe of Indians, and for other purposes;

S. 1297. An act to authorize the payment of per diem to members of the Indian Arts and Crafts Board at the same rate that is authorized for other persons serving the Federal Government without compensation; and

S. 1298. An act to permit the Secretary of the Interior to revoke in whole or in part the school and agency farm reserve on the Lac du Flambeau Reservation.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Graham A. Martin, of Florida, to be the representative of the United States of America to the 16th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Leland J. Haworth, of New York, to be a member of the Atomic Energy Commission.

By Mr. McNAMARA, from the Committee on Labor and Public Welfare:

Gerald A. Brown, of California, to be a member of the National Labor Relations Board.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the calendar will be stated.

DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of Harold Brown, of California, to be Director of Defense Research and Engineering.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE AIR FORCE

The Chief Clerk read the nomination of Joseph Scott Imirie, of New York, to be an Assistant Secretary of the Air Force.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

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

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, reports of the Departments of the Army, Navy, and Air Force, relating to military procurement actions for experimental, developmental, or research work, covering the period July 1 to December 31, 1960 (with accompanying reports); to the Committee on Armed Services.

REPORT ON NUMBER OF OFFICERS ASSIGNED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Acting Secretary of the Air Force, reporting, pursuant to law, that, as of March 31, 1961, there was an aggregate of 2,310 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government; to the Committee on Armed Services.

REPORT ON CONSTRUCTION CONTRACTS AWARDED BY THE AIR FORCE WITHOUT FORMAL ADVERTISING

A letter from the Under Secretary of the Air Force, transmitting, pursuant to law, a report on military construction contracts awarded by that Department without formal advertising, for the period July 1, 1960, through December 31, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ARMY, NAVY, AND AIR FORCE PRIME CONTRACT AWARDS TO SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contract awards to small and other business firms, for the period July 1960–January 1961 (with an accompanying report); to the Committee on Banking and Currency.

MOTOR VEHICLE INDEMNIFICATION FUND ACT OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to promote safe driving, to eliminate the reckless and financially irresponsible driver from the highways, to provide for the indemnification of certain persons suffering injury or loss as a result of the operation of motor vehicles by uninsured motorists, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF SECTION 7652(B)(3)(A) OF INTERNAL REVENUE CODE OF 1954

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 7652(b)(3)(A) of the Internal Revenue Code of 1954 (with an accompanying paper); to the Committee on Finance.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the period July 1 to December 31, 1960 (with an accompanying report); to the Committee on Foreign Relations.

ADDITION TO AND EXCLUSION OF CERTAIN LANDS IN CEDAR BREAKS NATIONAL MONUMENT, UTAH

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to add federally owned lands to, and exclude federally owned lands from, the Cedar Breaks National Monument, Utah, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

INCLUSION OF ACKIA BATTLEGROUND NATIONAL MONUMENT, MISS., AND MERIWETHER LEWIS NATIONAL MONUMENT, TENN., IN NATCHEZ TRACE PARKWAY

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to include Ackia Battleground National Monument, Miss., and Meriwether Lewis National Monument, Tenn., in the Natchez Trace Parkway, and to provide appropriate designations for them, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF COMMUNICATIONS ACT OF 1934, RELATING TO CONFLICT-OF-INTEREST PROVISIONS

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend section 4(b) of the Communications Act of 1934, as amended, with respect to the applicability of the conflict-of-interest provisions to persons serving in the Federal Communications Commission unit of the National Defense Executive Reserve (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

VIOLATIONS OF REGULATIONS OF FEDERAL COMMUNICATIONS COMMISSION IN THE COMMON CARRIER AND SAFETY AND SPECIAL FIELDS

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT OF ATLANTIC STATES MARINE FISHERIES COMMISSION

A letter from the secretary-treasurer, Atlantic States Marine Fisheries Commission, Mount Vernon, N.Y., transmitting, pursuant to law, a report of that commission, dated March 1961 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON AWARD OF YOUNG AMERICAN MEDALS FOR BRAVERY

A letter from the Attorney General, reporting, pursuant to law, on the award of Young American Medals for Bravery for 1959; to the Committee on the Judiciary.

AMENDMENT OF VENUE REQUIREMENTS IN CERTAIN SUITS

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the venue requirements in suits to recover for frauds committed against the United States (with an accompanying paper); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Nationalization Service, Department of Justice, 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.

CLARIFICATION OF CLASSIFICATION ACT OF 1949, RELATING TO BASIC COMPENSATION OF CERTAIN OFFICERS OR EMPLOYEES

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend the act of August 23, 1958, an act to clarify the application of section 507 of the Classification Act of 1949 with respect to the preservation of the rates of basic compensation of certain officers or employees in cases involving downgrading actions (with an accompanying paper); to the Committee on Post Office and Civil Service.

AMENDMENT OF DISABILITY RETIREMENT PROVISIONS OF CIVIL SERVICE RETIREMENT ACT

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend the disability retirement provisions of the Civil Service Retirement Act (with an accompanying paper); to the Committee on Post Office and Civil Service.

AMENDMENT OF SECTION 4 OF GOVERNMENT EMPLOYEES TRAINING ACT

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend section 4 of the Government Employees Training Act, as amended (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Banking and Currency:

"JOINT RESOLUTION 51

"Joint resolution memorializing Congress to enact legislation providing Federal aid to distressed areas

"Whereas northern Wisconsin has long been suffering from a chronically distressed economic condition; and

"Whereas hearings held by the Governor of the State of Wisconsin, Gaylord A. Nelson, have disclosed that unemployment has reached the high level of 18 percent of the employable population of Ashland County and 12 percent of the employable population of Douglas County; and

"Whereas after full consideration of the situation all indications are that there can be no substantial economic improvement in this area without outside aid: Now, therefore, be it

"Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin memorializes the Congress to pass Senate bill 1, introduced by Senator PAUL H. DOUGLAS of Illinois, or like or similar legislation providing Federal aid for economically distressed areas of the United States; and, be it further

"Resolved, That a copy of this resolution be sent to both Houses of the Congress and to each Wisconsin Member thereof."

A resolution of the House of Representatives of the State of Arizona; to the Committee on Finance:

"HOUSE MEMORIAL 8

"A memorial urging the President of the United States and the Congress to give favorable consideration to legislation providing benefits for veterans of World War I

"To the President and the Congress of the United States:

"Your memorialist respectfully represents:

"Whereas many hundreds of thousands of our Nation's finest citizens served the cause of democracy during the period of World War I; and

"Whereas there are a large number of these veterans who have now reached the age and circumstances in which they are no longer self-supporting, as well as suffering illnesses and infirmities aggravated by this honorable service to their country: Now, therefore, your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the President and the Congress of the United States recognizes the predicament of the veterans of World War I and do, therefore, give favorable consideration to legislation providing benefits to the aged, ill, and disabled veterans of World War I in the form of pensions or any other means which will provide the relief so vitally needed.

"2. The Honorable Wesley Bolin, secretary of state of Arizona, is directed to transmit duly certified copies of this memorial to the President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives of the United States, the Director of Veterans' Administration, the Director of the Bureau of the Budget, the chairman of the House of Representatives Committee on Veterans' Affairs and to each Member of Congress representing the State of Arizona."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Finance:

"SENATE JOINT MEMORIAL 11

"Joint memorial memorializing the Congress of the United States to take no action limiting the application of State retail sales and use tax laws

"Whereas certain proposals have been made to the Congress of the United States limiting application to foreign sellers of State sales and use tax laws or exempting foreign sellers from such laws, which proposals include H.R. 1148, H.R. 2557, H.R. 3055, H.R. 3278, S. 581, and S. 3549; and

"Whereas retail sales and use taxes have been an integral part of the means of financing State government in Colorado since 1935, because of their productivity, simiplicity of administration, and flexibility in meeting growing revenue requirements; and

"Whereas the practical point of emphasis on any sale is the point where the sale is solicited and consummated and not at a point where mechanical acts of processing sales are performed; and

"Whereas Colorado retail sales and use tax laws, as enacted, administered, and enforced, apply equally to all sales, sellers, and consumers within Colorado, without discrimination because of location, source of supply, or status as a foreign seller or a domestic seller, and impose no burden on interstate commerce; and

"Whereas by utilization of modern, rapid transportation of persons and property, and modern fast communications, it is now a common practice for sellers and suppliers to operate from a single office large sales forces in many States in direct competition with local sellers, supported by extensive advertising and public relations campaigns, and to fill orders solicited by such salesmen from a distant supply point and provide repair parts and service as quickly and efficiently as from a local warehouse; and

"Whereas foreign sellers are not subject to the ad valorem and other taxes imposed on local sellers, reduce by the amount of their sales the flow of money in the local market, and are free to move in and out of the local market, while local sellers bear the tax burden of the market, provide employment, and increase the flow of money in the local market, and are integrated into the local community; and

"Whereas exemption of foreign sellers soliciting sales within the borders of Colorado would discriminate against sellers within Colorado, produce unfair competitive advantages favoring out-of-State sellers, appreciably reduce revenues to the State of Colorado, shift a greater portion of the tax burden to other taxpayers, introduce expensive administration and enforcement problems, and would be detrimental to business activity within Colorado: Now, therefore, be it

"Resolved by the Senate of the 43d General Assembly of the State of Colorado (the House of Representatives concuring herein), That the General Assembly of the State of Colorado hereby memorializes the 87th Congress to take no action limiting the application of State retail sales and use tax laws as to out-of-State sellers; and be it further

"Resolved, That copies of this memorial be transmitted to the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Members of Congress from the State of Colorado."

A resolution of the Senate of the State of Washington; to the Committee on Interior and Insular Affairs:

"To the Honorable John F. Kennedy, President of the United States, the President of the Senate, and the Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States, in Congress Assembled:

"Whereas there has been introduced during this session of the Congress, legislation designated as Senate Joint Resolution 13 to authorize the construction of a hotel and other related facilities for the overnight care and accommodation of visitors to Mount Ranier National Park, the financing of such construction to be one-half by the United States and one-half by donated funds, the title to such hotel facilities to be vested in the United States with the power in the Secretary of the Interior to enter into a contract with private concessionaires for operation of such hotel and related facilities; and

"Whereas the State of Washington is vitally concerned in making the scenic grandeur and the many other tourist attractions of this park more accessible and available to all persons visiting this area; and

"Whereas there has been clearly demonstrated an urgent need for additional facilities within the area of Mount Rainier National Park; and

"Whereas it is extremely desirable that this State shall do everything possible to encourage and aid the financing of this proposed construction of hotel and related facilities, and to attract private capital for this project: Now, therefore, be it

"Resolved, That the Congress of the United States pass the legislation embodied in Senate Joint Resolution 13 to the end that the State of Washington and the Secretary of the Interior may enter into negotiations in order that the extent of participation by each agency of Government be established; be it further

"Resolved, That copies of this resolution be transmitted by the secretary of the senate to the Honorable John F. Kennedy, President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and to each Member of Congress from the State of Washington."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Labor and Public Welfare:

"Whereas in this age when mankind has acquired the capacity to completely destroy itself by chemical, biological, and radiological warfare and is faced with extreme world tensions, human misery, suffering, misunderstanding and bloodshed, the East-West Center of the University of Hawaii shines as a torch of hope for world peace and better understanding between the people of the East and West; and

"Whereas as a result of the foresight and dedicated efforts of the Honorable LYNDON B. JOHNSON, Vice President of the United States of America and former majority leader of the U.S. Senate, the East-West Center was established in Hawaii and the great responsibility and opportunity to help humanity in its fight for world peace and understanding were given to the people of Hawaii: Now, therefore, be it

"Resolved by the House of Representatives of the First Legislature of the State of Hawaii (general session of 1961). That this body hereby respectfully requests the board of regents of the University of Hawaii to name the administration building of the East-West Center after the Honorable LYNDON B. JOHNSON as an expression of appreciation for his efforts and foresight which led to the establishment of the East-West Center at the University of Hawaii; and be it further

"Resolved, That copies of this resolution be delivered to the Honorable LYNDON B. JOHNSON, Vice President of the United States of America; Dr. Laurence H. Snyder, president of the University of Hawaii; and each member of the board of regents of the University of Hawaii."

A resolution of the House of Representatives of the State of Hawaii; ordered to lie on the table:

"Whereas Elvis Presley staged a one-man show before 5,000 cheering and grateful people of Hawaii on Saturday, March 25, 1961, at the Bloch Arena; and

"Whereas it was a complete sellout and the biggest single gate in the history of show business in Hawaii; and

"Whereas Elvis Presley gave out his talents and services to help raise funds for the U.S.S. *Arizona* Memorial Fund; and

"Whereas the show raised more than $52,000 for the U.S.S. *Arizona* Memorial Fund; and

"Whereas Col. Tom Parker, Elvis Presley's manager, deserves every bit of the credit and appreciation for making the benefit performance a great success: Now, therefore, be it

"Resolved by the house of representatives, first State legislature (general session 1961), That it express its gratitude and appreciation to Elvis Presley and Col. Tom Parker on behalf of all Hawaii for their services in helping to raise the funds needed for the U.S.S. *Arizona* Memorial; be it further

"Resolved, That certified copies of this resolution be sent to Mr. Elvis Presley and Col. Tom Parker."

A resolution adopted by the Philippine Scouts Association, praying for the enactment of House bill 1133, relative to equalization of pay for the Philippine Scouts, U.S. Army; to the Committee on Armed Services.

A resolution adopted by the Sonoma Valley Chamber of Commerce, Sonoma, Calif., favoring the recognition of the services of the late Col. Agoston Haraszthy, for his contribution to the economy of the State of California; ordered to lie on the table.

ARAB BOYCOTT AND BLOCKADE—CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

Mr. JAVITS. Mr. President, Americans and U.S. commercial firms are directly affected by the Middle East situation as a consequence of Arab League boycotts and blockades. The situation

calls for an unrelenting and vigorous course of action by the administration to eliminate discriminatory practices against our citizens by other nations based on race and religion. Recognizing that the problem goes far beyond the immediate differences between the Near East Arab States and Israel, the Congress has gone on record in support of this policy. Hesitation or inaction could very well be regarded by the Arab States responsible as a sign of weakness and indecision on the part of the new administration.

I hail the Legislature of the State of New York for the Concurrent Resolution No. 131 as adopted in the senate on March 24 and concurred in by the assembly on March 25, and I ask unanimous consent that it be printed in the RECORD.

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

CONCURRENT RESOLUTION 131

Concurrent resolution memorializing the Department of State of the United States to take steps to discourage and nullify the effects of trade restrictions, blockades and boycotts by the nations comprising the Arab League against American citizens of the Jewish faith and against American companies controlled or managed by such citizens

Whereas Arab nations, including the United Arab Republic, Iraq, Jordan, Lebanon, Saudi Arabia, Yemen, Libya, Sudan, Tunisia, and Morocco, functioning as the Arab League, have been conducting a boycott of American citizens, business, and industry; and

Whereas the Arab League has blacklisted all American ships which have touched at Israeli ports of call; and

Whereas American firms doing business with Israel are cut off from trade with Arab countries; and

Whereas most American companies controlled or managed, partially or wholly, by Americans of the Jewish faith are not permitted to establish commercial relationships with countries that are members of the Arab League; and

Whereas American servicemen and Armed Forces employees of the Jewish faith are not permitted to serve at the Dhahran Airbase in Saudi Arabia, and

Whereas American citizens of the Jewish faith are generally not permitted to disembark on Arab soil, by land, sea, or air; and

Whereas approximately 500 American business firms during 1960 received warnings through the United States mails from Arab boycott officers in Damascus and Kuwait that if Americans have commercial dealings with Israel, they must forgo doing business with Arab countries; and

Whereas individual Hollywood motion picture stars have also been blacklisted; and

Whereas American citizens of the Jewish faith are generally excluded from private employment in any capacity in any Arab owned or controlled company; and

Whereas the U.S. Navy reserves the option to cancel the charter of any vessel carrying Navy cargo, if any Arab country refuses to allow the vessel to load or unload cargo, because the ship's charterers or owners have previously done business with Israel; and

Whereas with the approval of the Department of Agriculture, Commodity Credit Corporation and the U.S. Navy, contracts for the shipment of U.S. surplus wheat to the United Arab Republic provide that the vessel may not have traded at Israeli ports; and

Whereas the Democratic Party platform of 1960 pledged the protection of the rights of American citizens to travel, to pursue lawful trade, and to engage in other lawful activities abroad without distinction as to race or religion; and has further pledged to oppose any international agreement or treaty which by its terms or practices discriminate against American citizens on grounds of race or religion; and

Whereas the Republican Party platform of 1960 pledged to seek an end to transmit and trade restrictions, blockades and blacklists, and further pledged to secure freedom of navigation on international waterways and the cessation of discrimination against Americans on the basis of religion beliefs: Now, therefore, be it

Resolved (if the assembly concur), That the Department of State be and is hereby respectfully memorialized (a) to take a firm position against Arab interference in the conduct of the affairs of American citizens and businessmen;

(b) to abstain from any cooperation with Arab League boycott activities and policies;

(c) to resist any efforts by Arab nations to maintain or widen its boycott activities in the United States; and

(d) to exert all possible efforts and utilize its resources to the fulfillment of the spirit and purposes of this resolution, and it is further

Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, to the Secretary of State of the United States and to each Member of the Congress of the United States duly elected from the State of New York, and that the latter be urged to devote themselves to the task of accomplishing the purposes of this resolution.

By order of the senate.

WILLIAM S. KING,
Acting Secretary.

In assembly, March 25, 1961, concurred in without amendments.

ANSLEY B. BORKOWSKI,
Clerk.

DISTRICT ATTORNEYS REAFFIRM SUPPORT FOR WIRETAPPING UNDER PROPER SAFEGUARDS

Mr. KEATING. Mr. President, at its recent midwinter conference held in Tucson, Ariz., the National District Attorneys' Association adopted a resolution reaffirming its stand in favor of the enactment of Federal legislation to permit State wiretapping under proper safeguards. The resolution specifically endorses S. 1086, a bill which I have introduced to permit State wiretapping under court supervision.

The Senate Committee on the Judiciary last year favorably reported an almost identical bill to the Senate. It is regrettable that this bill was never motioned up for consideration and was allowed to die on the Senate Calendar when the 86th Congress adjourned.

The need for such legislation is as compelling as ever and I hope that we will not permit another session to go by without acting to remedy this very serious law enforcement gap.

Mr. President, I ask unanimous consent that the text of the resolution be printed following my remarks in the RECORD and that the resolution be appropriately referred.

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

Whereas the National District Attorneys' Association, at its annual meeting in Milwaukee, Wis. (1959), and at its annual meeting in Boston, Mass. (1960), by resolution, urged upon the Congress of the United States the enactment of legislation to permit the enactment by States of legislation concerning the interception of telephonic communications under proper safeguards; and

Whereas two bills, Senate bill 3340 and House bill 11589, concerning the enactment of such legislation were introduced before the 86th Congress, and that Senate bill 1086 (similar to Senate bill 3340) has been introduced in the present 87th Congress: Now, therefore, be it

Resolved, That the National District Attorneys' Association does hereby reaffirm its stand on this important matter, and urges upon its membership the support of such measures, through contact with their own Congressmen or Senators, and by such other means which may be appropriate.

Dated this 11th day of March 1961, at Tucson, Ariz.

NATIONAL DISTRICT ATTORNEYS' ASSOCIATION,
PATRICK BRENNAN, *President.*

Attest:

HARRY ACKERMAN,
Acting Secretary.

FLOOD CONTROL STUDY OF MILWAUKEE RIVER—RESOLUTION

Mr. PROXMIRE. Mr. President, I have received a resolution from the Milwaukee County Board of Supervisors petitioning the Congress for funds so that the Army Corps of Engineers can make a flood control study of the Milwaukee River. I ask unanimous consent that the text be printed in the RECORD and referred to the appropriate committee.

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

Resolution requesting the Congress of the United States to provide funds for a U.S. Corps of Engineers survey of the feasibility and cost of constructing a diversion channel from the Milwaukee River near Saukville, Wis., to Lake Michigan as a flood control project

Whereas the Milwaukee River in the State of Wisconsin periodically causes severe flood damage within its drainage basin; and

Whereas it is believed that the most practical method of preventing or alleviating such damage is to construct a diversion channel from said river near Saukville, Wis., east to Lake Michigan; and

Whereas it is necessary that such project be studied by the U.S. Corps of Engineers and such study will require a specific appropriation of funds to defray the cost thereof: Therefore be it

Resolved, by the County Board of Supervisors of Milwaukee County, That the Congress of the United States be and is hereby petitioned to provide sufficient funds (estimated to be $70,000) for and to direct the U.S. Corps of Engineers to make a definitive study and report as to the feasibility, desirability and cost of constructing such diversion channel; and be it further

Resolved, That the county clerk is directed to transmit a certified copy of this resolution to the Clerk of the House of Representatives, Washington, D.C., and to the U.S. Senators from Wisconsin and to the

Congressmen from Wisconsin from the Second, Fourth, Fifth, and Sixth Wisconsin Districts.

FAIR LABOR STANDARDS AMENDMENTS OF 1961—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 145)

Mr. MCNAMARA. Mr. President, I have the honor of submitting—on behalf of the Committee on Labor and Public Welfare—the committee report on the minimum wage bill.

The committee has reported H.R. 3935—the House-passed bill—with an amendment in the nature of a substitute.

The bill is substantially similar to the measure which we passed in the Senate in August of last year.

It is substantially similar to the measures recommended to this Congress by the President and which has his wholehearted endorsement and support.

It is my understanding from the leadership that we will begin debate on this bill on Thursday.

I would like to make one observation about our committee procedures.

The ranking minority member, the junior Senator from Arizona, was most cooperative in our committee deliberations.

In the interest of expediting the bill, he withheld amendments he wished to offer so that we might obtain speedy committee approval of the bill.

It was clearly understood that he would offer these amendments on the floor during the coming debate.

I am hopeful that there will be no attempt to criticize his amendments on the technical basis that they were not offered to the committee.

I ask unanimous consent that the report be printed, together with the minority views of the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN].

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Michigan, and the bill will be placed on the calendar.

The bill (H.R. 3935) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in commerce or in the production of goods for commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, was placed on the calendar.

Mr. MCNAMARA. Mr. President, I ask unanimous consent that the text of the bill, and a brief summary of it be printed in the RECORD.

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

H.R. 3935

To amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in commerce or in the production of goods for commerce, to increase the minimum wage under the Act to $1.25 an hour, and for other purposes

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 "Fair Labor Standards Amendments of 1961."

DEFINITIONS

SEC. 2. (a) Paragraph (m) of section 3 of the Fair Labor Standards Act, of 1938, as amended, defining the term "wage," is amended by inserting before the period at the end thereof a colon and the following: "*Provided,* That the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee: *Provided further,* That the Secretary is authorized to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee."

(b) Section 3 of such Act is further amended by adding at the end thereof the following new paragraphs:

"(p) 'American vessel' includes any vessel which is documented or numbered under the laws of the United States.

"(q) 'Secretary' means the Secretary of Labor.

"(r) 'Enterprise' means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor: *Provided,* That, within the meaning of this subsection, a local retail or service establishment which is under independent ownership shall not be deemed to be so operated or controlled as to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not necessarily limited to, an agreement, (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other such local establishments in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments.

"(s) 'Enterprise engaged in commrce or in the production of goods for commerce' means any of the following in the activities of which employees are so engaged, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person:

"(1) any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated and if such enterprise purchases or receives goods for resale that move or have moved across State lines (not in deliveries from the reselling establishment) which amount in total annual volume to $250,000 or more;

"(2) any such enterprise which has one or more establishments engaged in laundering, cleaning, or repairing clothing or fabrics if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated;

"(3) any such enterprise which is engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motorbus carrier;

"(4) any establishment of any such enterprise, except establishments and enterprises referred to in other paragraphs of this subsection, which has employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such enterprise is not less than $1,000,000;

"(5) any such enterprise which is engaged in the business of construction or reconstruction, or both, if the annual gross volume from the business of such enterprise is not less than $350,000;

"(6) any gasoline service establishment if the annual gross volume of sales of such establishment is not less than $250,000, exclusive of excise taxes at the retail level which are separately stated:

"*Provided,* That an establishment shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce, or a part of an enterprise engaged in commerce or in the production of goods for commerce, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection, if the only employees of such establishment are the owner thereof or persons standing in the relationship of parent, spouse, or child of such owner."

INVESTIGATIONS OF EFFECTS ON EMPLOYMENT OF FOREIGN COMPETITION

SEC. 3. Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Whenever the Secretary has reason to believe that in any industry under this Act the competition of foreign producers in United States markets or in markets abroad, or both, has resulted or is likely to result, in increased unemployment in the United States, he shall undertake an investigation to gain full information with respect to the matter. If he determines such increased unemployment has in fact resulted, or is in fact likely to result, from such competition, he shall make a full and complete report of his findings and determinations to the President and to the Congress: *Provided,* That he may also include in such report information on the increased employment resulting from additional exports in any industry under this Act as he may determine to be pertinent to such report."

SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Subsection (a) of section 5 of such Act is amended by inserting after the words "production of goods for commerce" wherever they appear, the following: "or employed in any enterprise engaged in commerce or in the production of goods for commerce".

MINIMUM WAGES

SEC. 5. (a)(1) Section 6(a) of such Act is amended by inserting after the word "who" in the portion thereof preceding paragraph (1), the words "in any workweek".

(2) Paragraph (1) of section 6(a) of such Act is amended to read as follows:

"(1) not less than $1.15 an hour during the first two years from the effective date of the Fair Labor Standards Amendments of 1961, and not less than $1.25 an hour thereafter, except as otherwise provided in this section."

(3) The first sentence of paragraph (3) of section 6(a) of such Act is amended to read as follows:

"(3) if such employee is employed in American Samoa, in lieu of the rate or rates

provided by this subsection or subsection (b), not less than the applicable rate established by the Secretary of Labor in accordance with recommendations of a special industry committee or committees which he shall appoint in the same manner and pursuant to the same provisions as are applicable to the special industry committees provided for Puerto Rico and the Virgin Islands by this Act as amended from time to time."

(b) Subsection (b) of section 6 of such Act is amended to read as follows:

"(b) Every employer shall pay to each of his employees who in any workweek (i) is employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined in section 3(s), (1), (2), (3), or (5) or by an establishment described in section 3(s) (4) or (6), and who, except for the enactment of the Fair Labor Standards Amendments of 1961, would not be within the purview of this section, or (ii) is brought within the purview of this section by the amendments made to section 13(a) of this Act by the Fair Labor Standards Amendments of 1961, wages at rates—

"(1) not less than $1 an hour during the first year from the effective date of such amendments; not less than $1.05 an hour during the second year from such date; not less than $1.15 an hour during the third year from such date; and not less than the rate effective under paragraph (1) of subsection (a) thereafter:

"(2) if such employee is employed as a seaman on an American vessel, not less than the rate which will provide to the employee, for the period covered by the wage payment, wages equal to compensation at the hourly rate prescribed by paragraph (1) of this subsection for all hours during such period when he was actually on duty (including periods aboard ship when the employee was on watch or was, at the direction of a superior officer, performing work or standing by, but not including off-duty periods which are provided pursuant to the employment agreement)."

(c) Subsection (c) of section 6 of such Act is amended to read as follows:

"(c) The rate or rates provided by subsections (a) and (b) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands only for so long as and insofar as such employee is covered by a wage order heretofore or hereafter issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5: *Provided*, That (1) the following rates shall apply to any such employee to whom the rate or rates prescribed by subsection (a) would otherwise apply:

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1961, increased by 15 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1961 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Beginning two years after the applicable effective date under paragraph (A), not less than the rate or rates prescribed by paragraph (A), increased by an amount equal to 10 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1961, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C).

"(C) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by paragraph (A) or (B). Any such application with respect to any rate or rates provided for under paragraph (A) shall be filed within sixty days following the enactment of the Fair Labor Standards Amendments of 1961 and any such application with respect to any rate or rates provided for under paragraph (B) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the applicable rate or rates under paragraph (B). The Secretary shall promptly consider such application and may appoint a review committee if he has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with any applicable rate or rates prescribed by paragraph (A) or (B) will substantially curtail employment in such industry. The Secretary's decision upon any such application shall be final. Any wage order issued pursuant to the recommendations of a review committee appointed under this paragraph shall take effect on the applicable effective date provided in paragraph (A) or (B).

"(D) In the event a wage order has not been issued pursuant to the recommendation of a review committee prior to the applicable effective date under paragraph (A) or (B), the applicable percentage increase provided by any such paragraph shall take effect on the effective date prescribed therein, except with respect to the employees of an employer who filed an application under paragraph (C) and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking and any sums recovered by him shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sum not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of any such employee to whom subsection (b) would otherwise apply, the Secretary shall within sixty days after the enactment of the Fair Labor Standards Amendments of 1961 appoint a special industry committee in accordance with section 5 to recommend the highest minimum wage rate or rates in accordance with the standards prescribed by section 8, not in excess of the applicable rate provided by subsection (b), to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special industry committee shall be effective with respect to such employee upon the effective date of the wage order issued pursuant to such recommendation but not before sixty days after the effective date of the Fair Labor Standards Amendments of 1961.

"(3) The provisions of section 5 and section 8, relating to special industry committees, shall be applicable to review committees appointed under this subsection. The appointment of a review committee shall be in addition to and not in lieu of any special industry committee required to be appointed pursuant to the provisions of subsection (a) of section 8, except that no special industry committee shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary by a review committee to be paid in lieu of the rate or rates provided for under paragraph (A) or (B). The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or subsection (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee."

MAXIMUM HOURS

SEC. 6. (a) Subsection (a) of section 7 of such Act is amended by designating such subsection as subsection (a)(1), by inserting after the word "who" the words "in any workweek", and by striking out the period at the end thereof and inserting a semicolon and the word "and" in lieu thereof and adding the following new paragraph (2):

"(2) No employer shall employ any of his employees who in any workweek (1) is employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined in section 3(s)(1), (2), or (5), or by any establishment described in section 3(s)(4), and who, except for the enactment of the Fair Labor Standards Amendments of 1961, would not be within the purview of this subsection, or (ii) is brought within the purview of this subsection by the amendments made to section 13 of this Act by the Fair Labor Standards Amendments of 1961—

"(A) for a workweek longer than forty-four hours during the second year from the effective date of the Fair Labor Standards Amendments of 1961,

"(B) for a workweek longer than forty-two hours during the third year from such date,

"(C) for a workweek longer than forty hours after the expiration of the third year from such date,

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(b) Subsection (b) of section 7 of such Act is amended by striking out "in excess of forty hours in the workweek" in paragraph (2) and inserting in lieu thereof the following: "in excess of the maximum workweek applicable to such employee under subsection (a)".

(c) Subsection (c) of section 7 of such Act is amended by inserting after the subsection designation "(c)" the paragraph designation "(1)", by inserting after the semicolon the paragraph designation "(2)", and by inserting before the period a comma and the following: "except that in any such place of employment in which both clause (2) of this subsection and clause (3) of subsection (b) apply to employees, the number of exempt workweeks shall not exceed ten in any calendar year under each such clause."

(d) Paragraph (5) of subsection (d) of section 7 of such Act is amended by striking out "forty in a workweek" and inserting in lieu thereof the following: "in excess of the maximum workweek applicable to such employee under subsection (a)".

(e) Paragraph (7) of subsection (d) of section 7 of such Act is amended by striking out "forty hours" and inserting in lieu thereof the following: "the maximum workweek applicable to such employee under subsection (a)".

(f) Subsection (e) of section 7 of such Act is amended (1) by striking out "forty hours" and inserting in lieu thereof "the maximum workweek applicable to such employee under subsection (a)", (2) by striking out "section 6(a)" and inserting in lieu thereof "subsection (a) or (b) of section 6 (whichever may be applicable)", and (3) by striking out "forty in any" and inserting in lieu thereof "such maximum".

(g) Subsection (f) of section 7 of such Act is amended by striking out "forty hours" both times it appears therein and inserting in lieu thereof the following: "the maximum workweek applicable to such employee under such subsection".

(h) Section 7 of such Act is amended by adding at the end thereof the following new subsection:

"(h) No employer shall be deemed to have violated subsection (a) by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified therein, if (1) the regular rate of pay of such employee is in excess of one and one-half times the minimum hourly rate applicable to him under section 6, and (2) more than half his compensation for a representative period (not less than one month) represents commissions on goods or services."

WAGE ORDERS IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 7. Subsection (a) of section 8 of such Act is amended by inserting after the word "industries" where it appears in the first sentence the words "or enterprises"; and by inserting after the words "production of goods for commerce" where they appear in the second sentence the following: "or in any enterprise engaged in commerce or in the production of goods for commerce".

CHILD LABOR PROVISIONS

SEC. 8. Subsection (c) of section 12 of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "or in any enterprise engaged in commerce or in the production of goods for commerce."

EXEMPTIONS

SEC. 9. Subsections (a) and (b) of section 13 of such Act are amended to read as follows:

"(a) The provisions of sections 6 and 7 shall not apply with respect to—

"(1) any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or

"(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, if such establishment—

"(i) is not in an enterprise described in section 3(s), or

"(ii) is in such an enterprise and is a hotel, motel, restaurant, motion picture theater, or an amusement or recreational establishment that operates on a seasonal basis, or

"(iii) is in such an enterprise and is a hospital, or an institution which is primarily engaged in the care of the sick, the aged, the mentally ill or defective, residing on the premises of such institution, or a school for physically or mentally handicapped or gifted children, or

"(iv) is in such an enterprise and has an annual dollar volume of sales (exclusive of excise taxes at the retail level which are separately stated) which is less than $250,000. A 'retail or service establishment' shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

"(3) any employee employed by any establishment (except an establishment in an enterprise described in section 3(s)(2)) engaged in laundering, cleaning, or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided*, That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, commercial, or communications business: *Provided further*, That neither the exemption in this paragraph nor in paragraph (2) shall apply to any employee of a hotel, motel, or restaurant who is engaged in laundering, cleaning, or repairing clothing or fabrics where such services are not performed exclusively for such hotel, motel, or restaurant: *Provided further*, That this exemption shall not apply to any employee of any such establishment which has an annual dollar volume of sales of such services of $250,000 or more and which is engaged in substantial competition in the same metropolitan area with an establishment less than 50 per centum of whose annual dollar volume of sales of such services is made within the State in which it is located; or

"(4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

"(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

"(6) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes; or

"(7) any employee to the extent that such employee is exempted by regulations or orders of the Secretary issued under section 14; or

"(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereto; or

"(9) any employee of a retail or service establishment who is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs; or

"(10) any individual employed within the area of production (as defined by the Secretary), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products; or

"(11) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or

"(12) any employee of an employer engaged in the business of operating taxicabs; or

"(13) any employee or proprietor in a retail or service establishment which qualifies as an exempt retail or service establishment under clause (2) of this subsection with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed $500 a month; or

"(14) any employee employed as a seaman on a vessel other than an American vessel; or

"(15) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve.

"(b) The provisions of section 7 shall not apply with respect to—

"(1) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; or

"(2) any employee of an employer subject to the provisions of part I of the Interstate Commerce Act; or

"(3) any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

"(4) any employee employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof; or

"(5) any individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state; or

"(6) any employee employed as a seaman; or

"(7) any employee of a street, suburban, or interurban electric railway, or local trolley or motorbus carrier, not included in other exemptions contained in this section; or

"(8) any employee of a gasoline service station; or

"(9) any employee employed as an announcer, news editor, or chief engineer by a radio or television station having its major studio in a city or town which has a population of not more than fifty thousand, according to the latest available decennial census figures as compiled by the Bureau of the Census, if such city or town is not part of a standard metropolitan statistical area (as

defined and designated by the Bureau of the Budget) having a total population in excess of fifty thousand; or

"(10) any employee of an independently owned and controlled local enterprise (including an enterprise with more than one bulk storage establishment) engaged in the wholesale or bulk distribution of petroleum products if (A) the annual gross volume of sales of such enterprise is not more than $1,000,000 exclusive of excise taxes, and (B) more than 75 per centum of such enterprise's annual dollar volume of sales is made within the State in which such enterprise is located, and (C) not more than 25 per centum of the annual dollar volume of sales of such enterprise is to customers who are engaged in the bulk distribution of such products for resale; or

"(11) any employee of a retail or service establishment primarily engaged in the business of selling automobiles, trucks, or farm implements; or

"(12) any employee employed as a driver or driver's helper making local deliveries, who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the Secretary shall find that such plan has the general purpose and effect of reducing hours worked by such employees to, or below, the maximum workweek applicable to them under section 7 (a)."

EMPLOYMENT OF STUDENTS

SEC. 10. Clause (1) of section 14 of such Act is amended by striking out "and" after "apprentices," and by inserting after "messages," the following: "and of full-time students outside of their school hours in any retail or service establishment: *Provided*, That such employment is not of the type ordinarily given to a full-time employee,".

PENALTIES AND INJUNCTION PROCEEDINGS

SEC. 11. (a) Section 16(b) of such Act is amended by adding at the end thereof a new sentence as follows: "The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 17 in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under section 6 or section 7 of this Act by an employer liable therefor under the provisions of this subsection."

(b) Section 17 of such Act is amended to read as follows:

"INJUNCTION PROCEEDINGS

"SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947)."

STUDY OF AGRICULTURAL HANDLING AND PROCESSING EXEMPTIONS

SEC. 12. The Secretary of Labor shall study the complicated system of exemptions now available for the handling and processing of agricultural products under such Act and particularly sections 7(c), 13(a)(10) and 7(b)(3), and shall submit to the second session of the Eighty-seventh Congress at the time of his report under section 4(d) of such Act a special report containing the results of such study and information, data and recommendations for further legislation designed to simplify and remove the inequities in the application of such exemptions.

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall take effect upon the expiration of one hundred and twenty days after the date of its enactment, except as otherwise provided in such amendments and except that the authority to promulgate necessary rules, regulations, or orders with regard to amendments made by this Act, under the Fair Labor Standards Act of 1938 and amendments thereto, including amendments made by this Act, may be exercised by the Secretary on and after the date of enactment of this Act.

SUMMARY OF MINIMUM WAGE BILL (H.R. 3935) AS REPORTED BY SENATE LABOR COMMITTEE

1. For presently covered employees the minimum wage is increased to $1.15 an hour for the first 2 years after the effective date and $1.25 an hour beginning 28 months after the effective date (23,900,000 covered).

2. For newly covered employees, the minimum wage will be: First year, $1; second year, $1.05; third year, $1.15; fourth year, $1.25.

3. Overtime compensation for the newly covered will be as follows: First year, no limitation; second year, 44 hours; third year, 42 hours; fourth year, 40 hours.

4. Retail trade (2,450,000): The bill covers retail enterprises which have a million dollars or more in annual sales (exclusive of excise taxes at the retail level) and which purchase or receive goods for resale that move or have moved across State lines which amount in total annual dollar volume of $250,000 or more.

From this coverage in the retail trade the bill excludes the following:

a. Hotels.

b. Motels.

c. Restaurants, including lunch counters, caterers, and similar retail food services.

d. Hospitals.

e. Nursing homes.

f. Schools for handicapped or gifted children.

g. Motion picture theaters.

h. Amusement or recreational establishments operating on a seasonal basis.

i. Any small store which has less than $250,000 in annual sales even if it is in an enterprise that has more than $1 million in annual sales.

In addition, the bill makes the following special provisions for particular problems in the retail and service trades:

a. Gasoline service stations which are covered for minimum wage if they have $250,000 (exclusive of excise taxes at the retail level) or more in annual sales, are exempt from the overtime requirements.

b. Auto dealers and farm implement retail dealers are exempt from the overtime requirements.

c. Assistant managers of retail stores will be exempt even if they perform up to 40 percent nonexecutive and nonadministrative work.

d. Commission employees will be exempt from overtime if more than half their pay is from commissions and if they earn at least time and one-half the minimum rate.

e. Student workers may be employed in retail trades at subminimum rates under certificates granted by the Secretary in occupations not ordinarily given to full-time employees.

5. Laundries (140,000): Laundry enterprises are covered for minimum wage and overtime if they have a million dollars or more in annual sales (exclusive of excise taxes at the retail level). Further, the existing exemption for such laundries is limited so that it will not apply to any laundry which does more than 25-percent commercial work or to any laundry which has $250,000 in annual sales and is in competition in the same metropolitan area with a laundry which does more than half of its work across State lines. Finally, laundry workers in hotels and restaurants are exempt only if they work in a laundry of their own establishment.

6. Local transit companies (110,000): Covered for minimum wage but not for overtime.

7. Establishments which already have some covered employees under the act (100,000) are covered for all their employees if they are in an enterprise which has a million dollars or more in annual sales.

8. Construction (1,000,000): Construction enterprises which have at least $350,000 in annual business are also covered for minimum wage and overtime.

9. Seamen (100,000): Seamen of American-flag vessels are covered for minimum wage but not for overtime.

10. Telephone operators (30,000): The exemption for telephone operators is limited to those employed by an independently owned public telephone company which has not more than 750 telephones.

11. Fish processing (33,000): Seafood processing employees are covered for minimum wage but not for overtime (seafood canners are treated in this way under the present law).

12. Processing and canning of agricultural commodities: The combined 28-week overtime exemption for such activities is reduced to 20 weeks—10 unlimited and 10 limited to 12 hours a day and 56 hours a week.

13. Puerto Rico: The minimum wage in Puerto Rico is increased by the same percentage as the mainland minimum, subject to review by industry committees in hardship cases.

14. Broadcasters: Announcers, news editors, and chief engineers of broadcasting companies located in cities of 50,000 or less population are exempt from overtime.

15. Bulk petroleum dealers: Independently owned and controlled local bulk petroleum distributors are exempt from overtime if their annual sales are less than $1 million (exclusive of excise taxes).

16. Trip rates: Trip rate drivers and drivers' helpers making local deliveries are exempt from overtime if the Secretary of Labor finds that the plan under which they are paid is consistent with the principle of the 40-hour workweek.

17. Other provisions:

a. Board and lodging may be included as wages on a basis of a fair value calculation made by the Secretary. Also, such perquisites may be excluded from wages to the extent that they are excluded under a collective bargaining agreement.

b. The Secretary is authorized to study the employment effects of the import and the export trade in industries covered by the act and to report such studies to the President and to the Congress.

c. The Secretary is required to study the complicated system of exemptions in the act for the handling and processing of agricultural products and to report the results and recommendations to the next session of this Congress.

Total newly covered employees: 4,100,000.

REPORTS ON UTILIZATION OF FOREIGN CURRENCIES AND U.S. DOLLARS BY CERTAIN COMMITTEES

Mr. HAYDEN. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of the Senate Committee on Interstate and Foreign Commerce and the Joint Committee on Atomic Energy concerning the foreign currencies and U.S. dollars utilized by the committees in 1960 in connection with foreign travel.

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

Report of expenditure of foreign currencies and appropriated funds by the Committee on Interstate and Foreign Commerce, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1960]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Baynton, Harold I:											
Denmark	Krone	120	18.00	240	36.00			160	24.00	520	78.00
France	New franc	196	40.00	98	20.00	147	30.00	59	12.00	500	102.00
Italy	Lira			3,570	5.60	354,226	570.60	43,570	70.00	401,336	646.20
Germany	Deutsche mark					3,185.70	758.50			3,185.70	758.50
Spain	Peseta	540	9.00	540	9.00			319	5.30	1,399	23.30
Switzerland	Franc	78	28.00	83	20.00	5	1.20	44	10.50	210	59.70
United Kingdom	Pound	18	50.40	17	47.60	28	78.40	15	42.00	78	218.40
Subtotal			145.40		138.20		1,438.70		163.80		1,886.10
Black, John W.:											
Belgium	Franc	1,725	40.00	1,550	34.00	500	11.00	815	18.00	4,590	103.00
Denmark	Krone					50	8.00			50	8.00
France	New franc	500	104.00	300	63.00	347	72.00	100	21.00	1,247	260.00
Greece	Drachma	550	18.00	650	22.00	180	6.00	200	7.00	1,580	53.00
Italy	Lira	25,000	42.00	50,000	84.00	10,000	17.00	15,000	25.00	100,000	168.00
Sweden	Krona	150	30.00	250	50.00	200	40.00	400	80.00	1,000	200.00
Switzerland	Franc	400	95.00	350	83.00	100	24.00	150	36.00	1,000	238.00
United Kingdom	Pound	35	98.00	25	70.00	10	28.00	30	84.00	100	280.00
West Germany	Deutsche mark	100	24.00	200	47.00	5,900	1,405.00	196	47.00	6,396	1,523.00
Subtotal			451.00		453.00		1,611.00		318.00		2,833.00
Butler, John M.:											
Denmark	Krone	88.00	12.75	110.00	15.94			22.00	3.19	220.00	31.88
France	Franc	600.00	122.45	750.00	153.06			150.00	30.61	1,500.00	306.12
Geneva	do	64.00	14.89	80.00	18.61			16.00	3.72	160.00	37.22
Germany	Deutsche mark					1,573.74	374.70			1,573.74	374.70
Italy	Lira					435,000	700.48			435,000	700.48
Netherlands	Guilder					1,706.58	452.65			1,706.58	452.65
United Kingdom	Pound	24	67.20	33	92.40	45	126.00	48	134.40	150	420.00
Subtotal			217.29		280.01		1,653.83		171.92		2,323.05
Cotton, Norris:											
Denmark	Krone	150	21.43	50	7.12					200	28.55
France	Franc	500	102.05	277	56.53	153	31.23	30	6.11	960	195.92
Germany	Deutsche mark					3,185.70	758.50			3,185.70	758.50
Italy	Lira	11,338	18.26	9,610	15.47	435,000	700.48	13,662	22.00	465,610	756.21
Spain	Peseta	565	9.42	420	7.00	380	6.33	32	.53	1,397	23.28
Switzerland	Franc	81	18.76	60	13.85	31	7.15	18	4.12	190	43.88
United Kingdom	Pound	24-10-0	68.60	16-11-0	46.34	17-0-0	47.60	20-19-0	58.66	79-0-0	221.20
Subtotal			238.52		146.31		1,551.29		91.42		2,027.54
Ficker, Hermann:											
France	New franc	400	80.00	900	180.00	380	76.00	320	64.00	2,000	400.00
Germany	Deutsche mark					8,462.16	2,014.80			8,462.16	2,014.80
Kenya	East African shilling.	640	89.60	1,600	224.00	700	98.00	1,060	148.40	4,000	560.00
Nigeria	West African pound.	35	98.00	90	252.00	45	126.00	30	84.00	200	560.00
United Kingdom	Pound	12	33.60	22	61.60	8	22.40	8	22.40	50	140.00
Subtotal			301.20		717.60		2,337.20		318.80		3,674.80
Gelman, Norman I.:											
Argentina	Peso	9,419.70	115.04	9,812.30	118.79	3,000	38.32	13,884	168.09	36,116	440.24
Brazil	Cruzeiro	10,183.10	54.62	8,356.66	44.91	2,554	13.76	3,816.91	20.48	24,910.67	133.77
Chile	Escudo	39.84	37.91	25.16	23.94	11.66	11.09	40	38.07	116.66	111.01
Colombia	Peso	199.13	29.37	200	29.39	133.33	18.55	333.33	46.87	865.79	124.18
Ecuador	Sucre	500	29.46	500	29.46	333.33	21.31	666.67	37.61	2,000	117.84
Germany	Deutsche mark					4,237.80	1,009.00	194.12	46.22	4,431.92	1,055.22
Peru	Sol	1,712.33	61.99	1,424.96	51.68	666.68	24.11	3,987.67	144.21	7,796.14	281.99
Venezuela	Bolivar							32	9.61	32	9.61
Subtotal			328.39		298.17		1,136.14		511.16		2,273.86
McGee, Gale W.:											
France	Franc	140	28.00	100	20.00	75	15.00	20	4.00	335	67.00
Switzerland	do	80	16.00	250	50.00	160	32.00	40	8.00	530	106.00
Subtotal			44.00		70.00		47.00		12.00		173.00
McHale, William:											
Argentina	Peso	9,419.70	115.04	9,812.30	118.79	3,000	38.32	13,884	168.09	36,116	440.24
Brazil	Cruzeiro	10,183.10	54.62	8,356.66	44.91	2,554	13.76	3,816.91	20.48	24,910.67	133.77
Chile	Escudo	39.84	37.91	25.16	23.94	11.66	11.09	40.00	38.07	116.66	111.01
Colombia	Peso	199.13	29.37	200	29.39	133.33	18.55	333.33	46.87	865.79	124.18
Ecuador	Sucre	500	29.46	500	29.46	333.33	21.31	666.67	37.61	2,000	117.84
Germany	Deutsche mark					4,237.80	1,009.00	194.12	46.22	4,431.92	1,055.22
Peru	Sol	1,712.33	61.99	1,429.46	51.68	666.68	24.11	3,987.67	144.21	7,796.14	281.99
Venezuela	Bolivar							32	9.61	32	9.61
Subtotal			328.39		298.17		1,136.14		511.16		2,273.86

Report of expenditure of foreign currencies and appropriated funds by the Committee on Interstate and Foreign Commerce, U.S. Senate— Continued

[Expended between Jan. 1 and Dec. 31, 1960]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Monroney, A. S. Mike:											
Greece	Drachma					14,085	469.50			14,085	469.50
Hong Kong	Dollar	374.40	65.68							374.40	65.68
Subtotal			65.68				469.50				535.18
Scott, Hugh:											
Italy	Lira					629,750	1,014.09	1,950	3.14	631,700	1,017.23
Switzerland	Franc	543	125.00	457	105.04	696	160.00	329	79.25	2,025	469.29
United Kingdom	Pound	18	50.00	23	65.00	146-7-9	587.37	20	55.00	207-7-9	757.37
Subtotal			175.00		170.04		1,761.46		137.39		2,243.89
Smathers, George:											
Argentina	Peso	9,419.70	115.04	9,812.30	118.79	3,000	38.32	13,884	168.09	36,116	440.24
Brazil	Cruzeiro	10,183.10	54.62	8,356.66	44.91	2,554	13.76	3,816.91	20.48	24,910.67	133.77
Chile	Escudo	39.84	37.91	25.16	23.94	11.66	11.09	40	38.07	116.66	111.01
Colombia	Peso	199.13	29.37	200	29.39	133.33	18.55	333.33	46.87	865.79	124.18
Ecuador	Sucre	500	29.46	500	29.46	333.33	21.31	666.67	37.61	2,000	117.84
Germany	Deutsche mark					4,237.80	1,009.00	194.12	46.22	4,431.92	1,055.22
Peru	Sol	1,712.33	61.99	1,429.46	51.68	666.68	24.11	3,987.67	144.21	7,796.14	281.99
Venezuela	Bolivar							32.00	9.61	32.00	9.61
Subtotal			328.39		298.17		1,136.14		511.16		2,273.86
Total			2,623.26		2,869.67		14,278.40		2,746.81		22,518.14

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$22,518.14
Appropriated funds: S. Res. 27 and 243	744.30
Total	23,262.44

WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce.

MARCH 31, 1961.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
March 14, 1961.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HAYDEN: In accordance with the Mutual Security Act of 1954, as amended, there is submitted herewith an itemized report showing the amounts in dollar equivalent values of foreign currencies expended by the Joint Committee on Atomic Energy in connection with official visits by members, staff, and consultants to various installations abroad during the period January 1, 1960, to May 13, 1960.

Sincerely yours,

CHET HOLIFIELD,
Chairman.

Report on foreign currencies and U.S. dollar equivalents utilized by the Joint Committee on Atomic Energy

[For the period Jan. 1, 1960, to May 13, 1960 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)]

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
France	New franc	713	145.51	2,430.20	495.97	1,913.90	390.59	1,239.80	252.99	6,296.90	1,285.06
Germany	Deutsche mark	32,188.51	7,663.72	110.39	36.29	325.47	77.50	112.98	26.89	32,737.35	7,804.40
Austria	Schilling	35.50	1.36	1,853.50	71.30	571.20	21.99	306.80	11.98	7,138.49	106.63
Belgium	Franc	5,974	119.48	7,088	141.76	6,852.90	137.06	4,406.10	88.12	24,321.00	486.42
United Kingdom	Pound	87.4.0	244.27	142.9.0	398.86	106.7.3	297.50	67.16.10	189.95	403.17.1	1,130.58
Spain	Peseta	509	8.48	13,653	227.55	4,650	77.50	7,188	119.80	26,000	433.33
Italy	Lira	1,626,353	2,628.12	86,044	138.56	99,060	156.52	60,203	96.97	1,871,660	3,023.17
Switzerland	Franc	403.70	93.23	149.45	34.53	250.65	57.87	224.32	51.82	1,028.12	237.45
Denmark	Krone	61.40	8.90	584.05	84.64	203.25	29.46	263.30	38.16	1,112.00	161.16
Sweden	Krona	156.90	30.34	10	1.93	69	13.34	13.10	2.55	249	48.16
Netherlands	Guilder	44.30	2,140.06	80.82	21.27	70.69	18.60	48.19	12.68	244.00	2,192.61
Total dollar equivalent			13,083.47		1,652.66		1,280.93		891.91		16,908.97

CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy.

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1960]

Total recapitulation:	Amount
Foreign currency (U.S. dollar equivalent)	$18,987.65
Appropriated funds: Government department: U.S. Air Force	251.50
Total	19,239.15

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate—Continued

[Expended between Jan. 1 and Dec. 31, 1960]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
C. Holifield:											
Germany	Deutsche mark	122	29.61	146	34.95	[1] 4,468	[1] 1,064.25			4,736	1,128.81
Turkey	Lira	550	60.60	173	19.03	150	16.50	177	19.47	1,050	115.60
Italy	do	44,864	72.44	32,238	52.13	18,972	30.36	6,400	10.22	102,474	165.15
United Kingdom	Pound	47	131.60	13	37.40	9	25.20	7	19.60	76	213.80
France	New franc	239	49.23	168	35.28	96	19.78	137	28.22	640	132.51
Greece	Drachma	1,317	39.51	660	19.80	374	9.22	395	11.85	2,746	80.38
Various	Dollar				24.00						24.00
Total			382.99		222.59		1,165.31		89.36		1,860.25

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,836.25
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,860.25

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. O. Pastore:											
Italy	Lira	38,266	61.70	28,000	45.10			2,550	4.10	68,800	110.90
Austria	Schilling	1,266.70	48.60	950	36.50	105	4.10	80	3.10	2,400	92.30
England	Pound	11-3	31.20	8	22.50			2.17	8.00	22	61.70
Germany	Deutsche mark					[1] 447,258	[1] 1,064.90			[1] 447,258	[1] 1,064.90
Total			141.50		104.10		1,069.00		15.20		1,329.80

[1] Airplane ticket (commercial).

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,329.80

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
W. N. Aspinall:											
Germany	Deutsche mark	86	20.60	176	42.12	[1] 4,232	[1] 1,008.05			4,494	1,070.77
Turkey	Lira	266	29.26	169	18.79	157	17.27	177	19.47	769	84.79
Italy	do	25,789	41.84	30,818	49.84	18,792	30.36	6,388	10.30	81,787	132.34
United Kingdom	Pound	18	50.40	14	39.20	9	25.20	7	19.60	48	134.40
France	New franc	183	37.70	156	32.75	96	19.78	112	23.07	547	113.30
Spain	Peseta	1,770	29.50	2,016	33.60	1,482	24.71	1,578	26.30	6,846	114.11
Greece	Drachma	452	13.56	640	19.20	374	9.22	395	11.85	1,861	53.83
Various	Dollar				24.00						24.00
Total			222.86		259.50		1,134.59		110.59		1,727.54

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,703.54
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,727.54

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
W. F. Bennett:											
Germany	Deutsche mark	86	20.60	172	41.16	[1] 4,722	[1] 1,124.55			4,980	1,186.31
Turkey	Lira	266	29.26	118	12.98	157	17.27	177	19.47	718	78.98
Italy	do	26,016	42.06	26,413	42.94	15,687	25.35	6,400	10.22	74,516	120.57
United Kingdom	Pound	18	50.40	9	25.20	9	25.20	7	19.60	43	120.40
France	New franc	183	37.70	113	23.60	96	19.78	128	26.37	520	107.45
Greece	Drachma	431	12.93	568	17.04	374	9.22	395	11.85	1,768	51.04
Various	Dollar				24.00						24.00
Total			192.95		186.92		1,221.37		87.51		1,688.75

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,664.75
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,688.75

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate—Continued

[Expended between Jan. 1 and Dec. 31, 1960]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
C. Hosmer:											
Germany	Deutsche mark	86	20.60	181	43.32	[1] 4,652	[1] 1,107.95			4,919	1,171.87
Turkey	Lira	266	29.26	165	18.15	101	11.11	177	19.47	709	77.99
Italy	do	17,739	28.68	16,813	27.22	13,687	22.11	6,388	10.30	54,627	88.31
France	New franc	183	37.70	171	35.84	96	19.78	112	23.07	562	116.39
Greece	Drachma	444	13.32	718	21.54	8,172	245.16	395	11.85	9,729	291.87
Various	Dollar				24.00						24.00
Total			129.56		170.07		1,406.11		64.69		1,770.43

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,746.43
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,770.43

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. Westland:											
Germany	Deutsche mark	86	20.60	132	31.60	[1] 4,181	[1] 995.86			4,399	1,048.06
Turkey	Lira	304	33.44	167	18.37	152	16.72	177	19.47	800	88.00
Italy	do	25,832	41.76	30,038	48.64	20,681	33.42	6,386	10.29	82,937	134.11
United Kingdom	Pound	13	36.40	14	39.20	9	25.20	7	19.60	43	120.40
France	New franc	183	37.70	122	25.45	96	19.78	112	23.07	513	106.00
Spain	Peseta	1,770	29.50	2,100	35.00	1,482	24.71	1,578	26.40	6,930	115.51
Greece	Drachma	453	13.59	713	21.39	374	9.22	395	11.85	1,935	56.05
Various	Dollar				24.00						24.00
Total			212.99		243.65		1,124.91		110.58		1,692.13

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,668.13
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,692.13

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. T. Ramey:											
Germany	Deutsche mark	86	20.60	126	30.17	[1] 4,598	[1] 1,080.55			4,810	1,131.32
Turkey	Lira	266	29.26	116	12.76	102	11.22	177	19.47	661	72.71
Italy	do	25,649	41.25	28,738	48.08	19,601	31.47	6,394	10.30	80,382	131.10
United Kingdom	Pound	18	40.50	8	22.40	9	25.20	7	19.60	42	117.60
France	New franc	183	37.70	98	20.65	96	19.78	112	23.07	489	101.20
Greece	Drachma	450	13.50	696	20.88	374	9.22	395	11.85	1,915	55.45
Various	Dollar				24.00						24.00
Total			192.71		178.94		1,177.44		84.29		1,633.38

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,609.38
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,633.38

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate—Continued

[Expended between Jan. 1 and Dec. 31, 1960]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. T. Conway:											
Germany	Deutsche mark	86	20.60	138	33.02	[1] 4,189	[1] 997.76			4,413	1,051.38
Turkey	Lira	298	32.78	167	18.37	152	16.72	177	19.47	794	87.34
Italy	do	26,426	42.51	32,828	53.05	19,601	31.69	6,394	10.30	85,249	137.55
United Kingdom	Pound	13	36.40	13	36.40	9	25.20	7	19.60	42	117.60
France	New franc	183	37.70	132	27.66	96	19.78	121	24.92	532	110.06
Spain	Peseta	1,770	29.50	2,006	33.40	1,482	24.71	4,650	77.50	9,908	165.11
Greece	Drachma	449	13.47	687	18.61	374	9.22	1,683	50.49	3,193	91.79
Various	Dollar				24.00						24.00
Total			212.96		244.51		1,125.08		202.28		1,784.83

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,760.83
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,784.83

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. T. Lunger:											
Germany	Deutsche mark	86	20.60	147	35.18	[1] 4,414	[1] 1,049.72	44	1.20	4,691	1,106.70
Turkey	Lira	319	35.09	168	18.48	142	15.62	177	19.47	806	88.66
Italy	do	21,912	35.41	36,593	59.15	11,327	18.31	6,432	10.37	76,264	123.24
United Kingdom	Pound	18	50.40	14	39.20	9	25.20	9	22.40	50	137.20
France	New franc	183	37.70	141	29.10	96	19.78	162	33.37	582	119.95
Greece	Drachma	481	14.43	761	22.83	384	9.22	395	11.85	2,011	58.33
Spain	Peseta	1,770	29.50	2,088	34.80	1,482	24.71	2,238	37.30	7,578	126.31
Various	Dollar				31.50				28.00		59.50
Total			223.13		270.24		1,162.56		163.96		1,819.89

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,760.39
Appropriated funds: Government department: U.S. Air Force	59.50
Total	1,819.89

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
D. R. Toll:											
Belgium	Franc	2,360	47.20	1,210	24.20	740	14.80	690	13.80	5,000	100.00
France	New franc	605	123.50	2,820	57.50	417	8.00	576	117.00	4,418	306.00
Italy	Lira	44,203	71.00	25,900	41.70	58,900	95.00	17,000	27.40	145,900	235.10
Austria	Schilling	1,526.60	58.60	834	32.10	2,080	80.00	366	14.00	4,809	184.70
England	Pound	11–15	32.90	10	28.00	2–16	8.00	5–4	14.50	30	83.90
Netherlands	Guilder					[1] 4,201.13	[1] 1,114.30			[1] 4,201.13	[1] 1,114.30
Total			333.20		184.00		1,320.10		186.70		2,024.00

[1] Airplane ticket (commercial).

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,024

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
H. Agnew:											
Germany	Deutsche mark	86	20.60	151	37.85	[1] 4,668	[1] 1,111.60			4,905	1,170.05
Turkey	Lira	266	29.26	169	18.59	152	16.72	177	19.47	764	84.04
Italy	do	26,964	43.38	31,238	50.50	19,601	31.69	6,390	10.30	84,193	135.87
United Kingdom	Pound	18	50.40	14	39.20	29	81.20	7	19.60	68	190.40
France	New franc	183	37.70	144	30.34	96	19.78	149	30.69	572	118.51
Greece	Drachma	425	12.75	626	18.78	4,730	141.90	395	11.85	6,176	185.28
Various	Dollar				24.00						24.00
Total			194.09		219.26		1,402.89		91.91		1,908.15

[1] Commercial air ticket.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,884.15
Appropriated funds: Government department: U.S. Air Force	24.00
Total	1,908.15

CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy.

MARCH 15, 1961.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
March 29, 1961.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HAYDEN: In accordance with the Mutual Security Act of 1954, as amended, there is submitted herewith an itemized report showing the amounts in dollar equivalent values of foreign currencies expended by the Joint Committee on Atomic Energy in connection with official visits by members, staff, and consultants to various installations abroad during the calendar year 1960 subsequent to May 13.

Transportation by the members and staff from the United States to Europe and return was in each case by commercial airline for which German and Dutch counterpart funds were used. The miscellaneous column in the report consists of funds expended for diplomatic and protocol functions. It also consists of telephone and cable charges for committee purposes. The report also lists U.S. dollars expended in various countries which were appropriated funds of the U.S. Air Force for meals served on military planes in flight within Europe.

Sincerely yours,

CHET HOLIFIELD,
Chairman.

BILLS INTRODUCED

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

By Mr. McGEE:

S. 1533. A bill for the relief of the Douglas Oil Co. of California; to the Committee on the Judiciary.

By Mr. WILLIAMS of Delaware:

S. 1534. A bill to strengthen the law with respect to bribery and graft; and

S. 1535. A bill to amend section 284 of title 18 of the United States Code so as further to prohibit former officers and employees of the United States from acting as counsel, attorney, or agent in matters connected with their former office or employment; to the Committee on the Judiciary.

By Mr. LAUSCHE:

S. 1536. A bill for the relief of Jovan Janos Bunjik and his wife, Erzebet Bunjik, and their minor child, Zoltan Bunjik;

S. 1537. A bill for the relief of Mrs. Renee Deri; and

S. 1538. A bill for the relief of Panagiotis R. Rakopoulos; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 1539. A bill to provide for the designation of the Army ordnance depot, referred to as the Sioux Ordnance Depot, as the Fort Sidney Ordnance Depot; to the Committee on Armed Services.

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1540. A bill to amend the law establishing the Indian revolving loan fund; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

S. 1541. A bill amending section 112 of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. McGEE (for himself and Mr. HICKEY):

S. 1542. A bill to authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources; to the Committee on Interstate and Foreign Commerce.

By Mr. JAVITS:

S. 1543. A bill to authorize assistance under the Small Business Act to small business concerns displaced as a result of urban renewal activities under the Housing Act of 1949; to the Committee on Banking and Currency.

S. 1544. A bill for the relief of Jose Ramon Pineiro; to the Committee on the Judiciary.

By Mr. SCHOEPPEL:

S. 1545. A bill for the relief of the Great American Life Insurance Co.; to the Committee on the Judiciary.

By Mr. KEATING:

S. 1546. A bill for the relief of Fotios Vardaros; to the Committee on the Judiciary.

By Mr. DWORSHAK:

S. 1547. A bill to amend the Small Reclamation Projects Act of 1956 with respect to the size of a project which is eligible for benefits under such act; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S. 1548. A bill to extend preferential third-class postage rates to volunteer fire departments; to the Committee on Post Office and Civil Service.

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

By Mr. PASTORE:

S. 1549. A bill for the relief of Nardina Cocuzza (Leonarda Cocuzza); to the Committee on the Judiciary.

By Mr. CARLSON:

S. 1550. A bill to repeal the tax on transportation of persons; and

S. 1551. A bill to repeal the tax on general telephone service; to the Committee on Finance.

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

By Mr. KEFAUVER:

S. 1552. A bill to amend and supplement the antitrust laws with respect to the manufacture and distribution of drugs, and for other purposes; 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. JAVITS (by request):

S. 1553. A bill to amend title 10, United States Code, as relates to the Uniform Code of Military Justice; to the Committee on Armed Services.

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

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

S. 1554. A bill to provide that Fort Montgomery, N.Y., may tap the West Point water supply line, and for other purposes; to the Committee on Armed Services.

By Mrs. NEUBERGER (for herself, Mr. DOUGLAS, Mr. CLARK, Mr. GRUENING, and Mr. MORSE):

S. 1555. A bill to provide for Federal contribution to the cost of election campaign of candidates for Federal offices, conditioned upon effective control and publication of other sources of financing such campaigns; to encourage small individual campaign contributions and to reduce the importance of large contributions in Federal elections; to provide Federal financial assistance for State voters' and campaign pamphlets; and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

By Mr. CASE of South Dakota:

S. 1556. A bill to authorize return to the States on a per capita pupil basis for elementary and secondary education 1 percent of the Federal income taxes, individual and corporate, collected nationally during the preceding fiscal year; to the Committee on Labor and Public Welfare.

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

By Mr. BEALL:

S. 1557. A bill to provide that annuities paid from the District of Columbia teachers' retirement and annuity fund shall be adjusted simultaneously with general adjustments in salaries for teachers and school officers covered by the District of Columbia Salary Act of 1955, as amended; and

S. 1558. A bill to increase annuities payable to certain annuitants from the District of Columbia teachers' retirement and annuity fund, in amounts equivalent to the increases provided by the District of Columbia Teachers' Salary Increase Act of 1960; to the Committee on the District of Columbia.

By Mr. HICKEY (for himself and Mr. McGEE):

S. 1559. A bill to provide for the production of underground water on the public lands; to the Committee on Interior and Insular Affairs.

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

By Mr. ERVIN:

S. 1560. A bill for the relief of Yasuko Otsu; and

S. 1561. A bill to amend section 2072 of title 28 of the United States Code with respect to the time at which Federal Rules of Civil Procedure shall become effective; to the Committee on the Judiciary.

By Mr. SMITH of Massachusetts:

S. 1562. A bill to amend the National Defense Education Act of 1958 in order to provide financial assistance to public community colleges for strengthening science, mathematics, modern foreign language, and technical instruction; to the Committee on Labor and Public Welfare.

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

By Mr. RUSSELL:

S. 1563. A bill to authorize the conveyance of certain lands within the Clark Hill Reservoir, Savannah River, Georgia-South Carolina, to the Georgia-Carolina Council, Inc., Boy Scouts of America, for recreation and camping purposes; to the Committee on Public Works.

By Mr. MOSS:

S. 1564. A bill for the relief of Evangelos J. Marthakis; to the Committee on the Judiciary.

S. 1565. A bill to amend the Railroad Retirement Act of 1937, as amended, to permit an individual's annuity thereunder to be paid for the month in which he dies, and for

other purposes; to the Committee on Labor and Public Welfare.

By Mr. CASE of South Dakota (by request):

S. 1566. A bill to establish a Chiropractic Section in the Medical Service Corps of the Army; to the Committee on Armed Services.

By Mr. CARROLL (for himself, Mr. HART, Mr. LONG of Missouri, and Mr. PROXMIRE):

S. 1567. A bill to amend section 3 of the act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information; to the Committee on the Judiciary.

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

By Mr. HUMPHREY:

S. 1568. A bill for the relief of Chiara Palumbo Vacirca; and

S. 1569. A bill for the relief of Woo You Lyn (also known as Hom You Fong and Lyn Fong Y. Hom); to the Committee on the Judiciary.

CONCURRENT RESOLUTION

ASSISTANCE TO OTHER NATIONS IN IMPROVEMENT OF THEIR EDUCATIONAL SYSTEMS

Mr. HUMPHREY submitted a concurrent resolution (S. Con. Res. 19) favoring assistance to other nations in the establishment and improvement of their educational systems, which was referred to the Committee on Foreign Relations.

(See the remarks of Mr. HUMPHREY when he submitted the above concurrent resolution, which appear under a separate heading.)

RESOLUTION

DESIGNATION OF APRIL 15, 1961, AS AFRICAN FREEDOM DAY

Mr. HUMPHREY submitted the following resolution (S. Res. 120), which was referred to the Committee on the Judiciary:

Resolved, That it is the sense of the Senate that April 15, 1961, be recognized as African Freedom Day; and that we extend to the independent countries of Africa our congratulations and assure them of our continued good will.

RENAMING OF SIOUX ORDNANCE DEPOT, NEBR.

Mr. CURTIS. Mr. President, one of the historic spots in Nebraska is known as old Fort Sidney. The Army maintains near there an ordnance depot known as the Sioux Ordnance Depot. There is wide interest in having the name changed to the Fort Sidney Ordnance Depot.

On behalf of my colleague the Senator from Nebraska [Mr. HRUSKA], as principal sponsor, and myself, I introduce a bill for the purpose I have indicated, and request its appropriate reference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1539) to provide for the designation of the Army ordnance depot, referred to as the Sioux Ordnance Depot, as the Fort Sidney Ordnance Depot, introduced by Mr. HRUSKA (for himself and Mr. CURTIS), was received, read twice by its title, and referred to the Committee on Armed Services.

BULK MAILING RATES FOR VOLUNTEER FIRE COMPANIES

Mr. KEATING. Madam President, it has come to my attention that volunteer fire companies in the United States have so far, despite several pleas and despite the invaluable service they render in small towns and rural areas, been denied the right to use the preferential, bulk, third-class mailing rate of 1¼ cents per piece. This rate under existing law is used by religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations not organized for profit, and none of the net income of which inures to the benefit of any private stockholder or individual.

Many times, volunteer fire departments have sought to be included in this category; but I am informed by the Post Office that their applications and supporting evidence have not served to qualify them under the existing law. The only remedy, therefore, is amendment to the existing legislation.

Mr. President, I now introduce such a bill, request its appropriate reference, and ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from New York.

The bill (S. 1548) to extend preferential third-class postage rates to volunteer fire departments, introduced by Mr. KEATING, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

Mr. KEATING. Mr. President, I do not need to speak at length about the services performed by these groups. They are composed of amateurs, and they operate in areas where the cost of professional and full-time firemen is prohibitive. The volunteer fire departments are one of the major remnants of the manifestation of the pioneering community spirit which built America from a wilderness to the greatest Nation on earth. Their work, often hazardous, yet unpaid, saves millions of dollars for the Nation.

Some may ask what is the need for bulk mailing privileges. It may be said that firemen are too busy to write letters. But what primarily would be covered under the bill I am introducing would probably be fire safety rules and regulations, community appeals for assistance and cooperation, and other matters closely related to their firefighting job. Under these circumstances, Madam President, I do not believe we should begrudge to volunteer fire departments the reduction already allowed to other groups no more deserving of help and encouragement.

The bill (S. 1548) is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4452(d) of title 39 of the United States Code is amended by inserting after the word "associations" in the first sentence a comma and the following: "or volunteer fire departments,".

REPEAL OF EXCISE TAX ON TRANSPORTATION OF PERSONS

Mr. CARLSON. Mr. President, I introduce, for appropriate reference, a bill which would provide for the repeal of the excise tax on transportation of persons.

This is another one of our wartime taxes that, in my opinion, should be repealed. The reasons this tax was put on have completely disappeared and everyone must agree that our transportation industry is in financial difficulty.

It is paradoxical that we should continue a tax designed to discourage travel when we are seeking means of strengthening our economy and encouraging the development of our national transportation system.

It is my hope that this tax can be repealed this year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

The bill (S. 1550) to repeal the tax on transportation of persons, introduced by Mr. CARLSON, 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) subchapter C of Chapter 33 of the Internal Revenue Code of 1954 (relating to tax on transportation of persons) is repealed.

(b)(1) The table of subchapters for chapter 33 of the Internal Revenue Code of 1954 is amended by striking out

"Subchapter C. Transportation of persons."

(2) Section 4291 of such Code (relating to collection of tax by persons receiving payment) is amended by striking out "sections 4231 and 4264(a)" and inserting in lieu thereof "section 4231".

(3) Section 4292 of such Code (relating to State and local governmental exemption) is amended—

(A) by striking out "or 4261"; and

(B) by striking out "or facilities".

(4) Section 4293 of such Code (relating to exemption for United States and possessions) is amended by striking out "subchapters B and C" and inserting in lieu thereof "subchapter B".

(5) Section 4294(a) of such Code (relating to exemption for nonprofit educational organizations) is amended—

(A) by striking out "or 4261"; and

(B) by striking out "or facilities".

(6) Section 6103(a)(2) of such Code (relating to publicity of returns and lists of taxpayers) is amended by striking out "B, C, and D" and inserting in lieu thereof "B and D".

(7) Section 6415 of such Code (relating to credits or refunds to persons who collected certain taxes) is amended by striking out "4261," each place it appears therein.

(8) Section 6416(b)(2)(H) of such Code (relating to credits or refunds in the case of certain taxes on sales and services) is amended—

(A) by striking out "tax-exempt passenger fare revenue" and inserting in lieu thereof "commutation fare revenue"; and

(B) by striking out "(not including the tax imposed by section 4261, relating to the tax on transportation of persons)".

(9) Section 6421(b) of such Code (relating to gasoline used for certain nonhighway purposes or by local transit systems) is amended—

(A) by striking out "tax-exempt passenger fare revenue" each place it appears therein and inserting in lieu thereof "commutation fare revenue"; and

(B) by striking out "(not including the tax imposed by section 4261, relating to the tax on transportation of persons)" each place it appears therein.

(10) Section 6421(d)(2) of such Code (relating to definition of tax-exempt passenger fare revenue) is amended to read as follows:

"(2) COMMUTATION FARE REVENUE.—The term 'commutation fare revenue' means revenue attributable to the transportation of persons and attributable to—

"(A) amounts paid for transportation which do not exceed 60 cents,

"(B) amounts paid for commutation or season tickets for single trips of less than 30 miles, or

"(C) amounts paid for commutation tickets for one month or less."

(c) The repeal and amendments made by subsections (a) and (b) shall apply with respect to amounts paid, on or after the first day of the first month which begins after the date of the enactment of this Act, for transportation which begins on or after such day.

REPEAL OF EXCISE TAX ON COMMUNICATIONS SERVICE

Mr. CARLSON. Mr. President, I introduce, for appropriate reference, a bill which provides for the repeal of the Federal excise tax on communications service.

These communications taxes were enacted to discourage the use of communications facilities during the World War II period.

The Federal excise tax was applied for the first time to local telephone service in 1941. In 1951 the tax on electricity was repealed leaving the telephone tax as the only one remaining on the Federal tax books applying to the four essential household utilities, water, gas, electricity, and telephone.

Today telephone service is supplied to approximately 40 million American homes and more than 6 million business establishments. Every month these individuals and businesses are reminded that they are still paying emergency wartime taxes, and it occurs to me it is time this tax was removed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. 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. 1551) to repeal the tax on general telephone service, introduced by Mr. CARLSON, 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) section 4251 of the Internal Revenue Code of 1954 (relating to tax on communications) is amended—

(1) by striking out, in subsection (a), the following: "(a) IN GENERAL.—";

(2) by striking out, in the table contained in subsection (a), the following:

"General telephone service.....10%"; and

(3) by striking out subsection (b).

(b) The amendments made by subsection (a) shall apply—

(1) with respect to amounts paid, on or after the first day of the first month which begins after the date of the enactment of this Act pursuant to bills rendered on or after such day, for service rendered on or after such day, and

(2) with respect to amounts paid, on or after such day pursuant to bills rendered on or after such day, for services rendered before such day for which no previous bill was rendered, except with respect to such services as were rendered more than 2 months before such day.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO THE CODE OF MILITARY JUSTICE

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend title 10 of the United States Code with respect to the Uniform Code of Military Justice at the request of the Association of the Bar of the City of New York, and its Special Committee on Military Justice. Similar proposed legislation is being introduced today in the House by Representative JOHN LINDSAY.

This bill is the result of extensive study by the special committee, and is based on alternatives proposed by the Department of Defense and the American Legion, among others. The special committee, which is composed of eminent members of the bar, has, I believe, performed an important public service in making this lawyer's analysis and proposal in a most difficult area. I take this opportunity to congratulate Mr. Everett Frohlich, chairman of the committee, and the entire committee and association for making this proposal available to the Congress.

While there are a number of items in this proposal with which I am not in full agreement—particularly its extension of punishment by company officers—I also note that in each such case the amendment has been joined with procedural safeguards for the enlisted man—such as his right to trial as an alternative to such company punishment, and the possibility of securing trial, upon the defendant's request, before a law officer, rather than the present nonlawyer special court-martial.

I hope that this proposal will receive the careful study of the appropriate committees, and ask unanimous consent that there may be printed in the RECORD at the conclusion of my remarks the special committee's report.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the report of the Special Committee on Military Justice will be printed in the RECORD.

The bill (S. 1553) to amend title 10, United States Code, as relates to the Uniform Code of Military Justice, introduced by Mr. JAVITS, by request, was received, read twice by its title, and referred to the Committee on Armed Services.

The report of the special committee presented by Mr. JAVITS is as follows:

REPORT ON PROPOSED AMENDMENTS TO, AND ASSOCIATION BILL AMENDING, THE UNIFORM CODE OF MILITARY JUSTICE, BY THE SPECIAL COMMITTEE ON MILITARY JUSTICE OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MARCH 1, 1961

As indicated in the annual report of the special committee on military justice to the association in October 1960, the following report, together with the committee's proposed bill "to amend the Uniform Code of Military Justice" which is included therein, was submitted to the executive committee of the association for its consideration. The executive committee approved the report and adopted the proposed bill on behalf of the association. The special committee was then authorized and directed to take the necessary steps to cause this bill to be introduced in Congress on behalf of the association. The publication of this report at this time is one of several measures being taken in that direction.

Respectfully submitted.

Everett A. Frohlich, chairman; Anthony B. Akers, Arnold I. Burns,[1] Wallace J. Clarfield, William N. Clarke, Robert D. Duke, Herbert C. Earnshaw, Jay D. Fischer, Mortimer J. Goodstein, John A. Keefe, Donald F. Mooney, John F. Neary, Jr., Judson A. Parsons, Jr., Roy A. Povell, Donald J. Rapson,[1] Frederick W. Read, Jr., Harold Riegelman, Leroy E. Rodman, Randolph J. Seifert, John H. Tovey, Stephen Wise Tulin, Maurice Wahl.

PART I—INTRODUCTION [2]

The Uniform Code of Military Justice became effective May 31, 1951 (64 Stat. 107), and has generally been regarded as having effected a distinct improvement in the administration of justice in our Armed Forces. Other than a nonsubstantive codification in 1956 (70A Stat. 1), there have been no amendments to the code since its enactment. Now, after over 8 years of operation, there are two major bills (H.R. 3387, VINSON) and (H.R. 3455, BROOKS), both proposing substantial amendments to the code.[3] H.R. 3455 also proposes major revisions concerning the status of the military lawyer in the armed services.

H.R. 3387 was drafted by the Department of Defense and will hereinafter be referred to as DOD. H.R. 3455 was proposed by the American Legion and will hereinafter be referred to as AL. Both bills are presently before a special subcommittee of the House Armed Services Committee, chaired by Congressman PAUL J. KILDAY.

Although DOD and AL both embody major amendments to the same statute, they are so basically different that they must be considered separately. DOD represents the joint position of all the services and has the

[1] Members of the subcommittee who prepared the report and bill.

[2] This report is as submitted to the executive committee of the association. Consequently, all bill references are to bills introduced in the last Congress.

[3] Four other bills containing revisions in particular areas of military justice are also pending before the Congress (S. 288, THURMOND; H.R. 4040, PHILBIN; H.R. 5081, RILEY; and H.R. 6072, BREWSTER). S. 288 requires issuance of court-martial warrants by the U.S. marshals within the United States; H.R. 4040 redesignates the U.S. Court of Military Appeals the Supreme Court of Military Appeals; H.R. 5081 amends art. 46 of the code to require execution of certain warrants by U.S. marshals; and H.R. 6072 requires verbatim records of trial for all general and special courts-martial.

approval of the U.S. Court of Military Appeals (hereinafter COMA). Its primary objective is the facilitation of the administration of military justice through time-saving and man-saving economy measures. While DOD does contain some proposals affording accused persons additional rights and protections, they are clearly incidental to the main objective, and therein lies its chief defect. Although your committee is of the opinion that the administration of military justice within the framework of the present code has been of generally excellent quality, further reform and improvement in particular areas, not embodied in DOD, are necessary.

AL seems to reflect basic dissatisfaction with the administration of the present system of military justice by the armed services and general lack of faith in the integrity and competence of the military lawyers administering it. This philosophy, in your committee's opinion, is unfounded and has generated several highly unfortunate and seriously objectionable provisions. There are, however, a number of important and ameliatory provisions in AL meriting enactment.

Part II of this report contains an analysis of DOD with your committee's recommendations with respect thereto, while part III treats AL in a similar manner. In part IV your committee discusses and recommends innovations not contained in either DOD or AL. Part V contains a draft bill amending the Uniform Code of Military Justice which your committee submits in preference to either of the pending proposals. This draft bill is eclectic, combining features of both DOD and AL. It also implements the recommendations of your committee. Part VI contains a section-by-section analysis of the draft bill. Part VII summarizes the most significant features of the committee bill.

PART II—DISCUSSION OF H.R. 3387 (DEPARTMENT OF DEFENSE)

This portion of the report comments upon the provisions of DOD, section by section, making recommendations with respect thereto.

1. "Convening authority" defined: Section 1(1) amends article 1 [4] by providing a definition of the term "convening authority". This is no more than a clarification of existing law and provides no substantive change. The language contained therein is drawn from similar language appearing in article 60. Your committee approves.

2. Confinement with members of friendly armed forces: Section 1(2) amends article 1(2) by permitting the confinement in a U.S. confinement facility of members of the U.S. Armed Forces with members of the armed forces of friendly foreign nations. This, it should be noted, does not authorize the confinement of American servicemen in detention facilities maintained by any other nation. The experience of the Korean conflict demonstrated the unworkability of the present rule which prohibits the confinement of members of friendly foreign nations in U.S. confinement facilities. This proposal is considered practical, and your committee approves.

3. Nonjudicial punishment enlarged: (a) Section 1(3) amends article 15(a) by empowering a commanding officer to impose upon an officer of his command a forfeiture of one-half of his pay for a 2-month period as compared with a 1-month period under the present law. More importantly, however, it also authorizes a commanding officer in the grade of major or lieutenant commander or above to impose upon an enlisted man confinement for a period of up to 7 days or a forfeiture of up to one-half of 1 month's pay.

This proposal is based upon the experience of the Armed Forces indicating that many cases tried by summary courts-martial could have been disposed of by nonjudicial punishment if commanding officers could punish minor offenders by imposing more than extra duty, withdrawal of privileges and restriction to limits without resorting to the unnecessarily harsh power of reduction in grade. Commanding officers have not regarded their punitive powers under present article 15 as adequate to avoid reference in all too many cases to judicial procedures and the additional punishment thus available. Your committee has, it believes, carefully weighed conflicting considerations bearing on the question of the enlarged role of nonjudicial punishment in our system of military justice. On the one hand, it is recognized that, by its very nature, utilization of article 15 authority to punish behavioral infractions results in punitive action without judicial safeguards, and is therefore subject to abuse. On the other hand, it is certainly desirable to avoid, wherever possible, resort to courts-martial with their resulting criminal convictions of permanent effect. On balance, the granting to commanding officers of enlarged power to handle as many disciplinary problems paternalistically through the use of nonjudicial punishment seems desirable so long as there is some safety valve to prevent abuse. Under this proposal the new powers of nonjudicial punishment authorized must be administered by an officer who is at least a major or a lieutenant commander, thus increasing the likelihood of maturity and sound judgment in their exercise and correspondingly reducing the chance of abuse. If properly employed, this additional authority will increase the commanding officer's ability through the exercise of mature judgment and strong leadership to implement a program of preventive discipline within his command aimed to discourage recurring infractions. Accordingly, your committee approves this proposal.

(b) Article 15(b) presently authorizes the Secretary of a military department to provide that an accused person may refuse nonjudicial punishment and demand trial by court-martial. Pursuant to this statutory authorization accused persons are accorded the right to demand such trial in the Army and Air Force, but not in the Navy and Coast Guard (par. 132, Manual for Courts-Martial, United States, 1951).[5] Under article 20 (summary courts-martial) an accused person who has not been offered nonjudicial punishment may object to trial by summary court-martial and be tried by special or general court-martial, but if he has been permitted and has elected to refuse punishment under article 15, he cannot object to trial by summary court-martial. In paragraph 1, part IV, infra, your committee has recommended the abolition of summary courts-martial if DOD section 1(3) amending article 15(a) is adopted. As a consequence, your committee has also provided in an amendment to article 15(b) (pt. V, infra) that an accused person who is given the right under departmental regulations to refuse nonjudicial punishment, and so elects, will then be tried by the single-officer special court-martial provided for under the DOD amendment to article 16 (par. 4, of this pt. II, infra), and that the punishment imposable by such court in these circumstances shall not exceed the present punishment authority of summary courts-martial.

4. Single-officer special court-martial: Section 1(4) amends article 16 to authorize the establishment of a new type of special court-martial consisting only of a qualified law officer. This special court-martial would be convened only if (1) the accused has requested such a single law officer court-martial as opposed to the traditional special court-martial composed of three to five members and (2) the convening authority has consented. Built into the provision is the requirement that the accused know the identity of the law officer who will hear his case and have the advice of counsel prior to making his request for the single-officer special court-marital. Included in section 1(4) is the requisite that law officers sitting as special courts-martial pursuant to the innovated procedure be certified as qualified so to act by the Judge Advocate General of his armed force.

Your committee approves the basic purpose of this section, viz, to permit the accused to elect that his case be heard by a lawyer rather than a special court-martial composed of and conducted by military laymen. The new one-man special court-martial is similar to a magistrate's proceeding in civilian criminal practice, and the accused's right of election is analogous to the right to waive a jury trial. Your committee, however, has two reservations concerning this proposal:

(a) As a general matter it does not think it desirable to condition the availability of the new judicial procedure upon prior convening authority approval. It recognizes that the Navy may experience difficulty in providing qualified legal personnel to conduct single-officer special courts-martial on Navy vessels. Moreover, it believes that in time of war or national emergency the military authorities should not be hamstrung by an absolute right in the accused to demand a special court-martial before a qualified law officer. Accordingly, in its proposed legislation (see pt. V, infra) your committee has modified this provision to require convening authority approval only in cases of personnel aboard vessels and in time of war or national emergency.

(b) Although in complete agreement with the principle that only highly qualified lawyers should sit as single-officer special courts-martial, your committee thinks the proposed requirement that the Judge Advocate General certify a man, already a qualified law officer, as qualified for such duty is unnecessarily cumbersome. It is submitted that all law officers, whether presiding at general or special courts-martial, ought to meet the same high standards. Your committee has accordingly deleted the provision for certification of law officers as single-officer special courts-martial in part V, infra. In this connection, reference is made to your committee's recommendations with respect to the qualifications of law officers set forth in paragraph 2, part IV, infra.

5. Convening authority as accuser: Section 1(5) amends articles 22 and 23 by providing that a convening authority not subordinate in command or grade to the accuser shall be competent to convene general and special courts-martial. This proposal effects no substantive change and merely confirms the present judicial rule (*United States* v. *LaGrange, et al.*, 1 USCMA 342, 3 CMR 76). It is considered noncontroversial and is approved by your committee.

6. Qualifications of single-officer special court-martial: Section 1(6) proposes an amendment to article 25 [6] specifically detailing the qualifications of the single-officer special court-martial. Reference is made to our discussion in paragraph 4 of this part II,

[4] Unless otherwise stated, all references to "articles" in this report are to the Uniform Code of Military Justice.

[5] All references hereinafter made to the Manual for Courts-Martial will be to MCM, 1951.

[6] DOD incorrectly refers to art. 23.

supra. Subject to the reservations there noted, the proposal is approved.

7. Command influence by staff officers: Section 1(7) amends article 37 explicitly to extend the prohibition against command influence to include acts committed by officers serving on the staffs of convening authorities and commanding officers, as well as those officers themselves. There can be no objection to this proposal and your committee approves.

8. Challenges: Section 1(8) amends article 41 to provide that the law officer presiding over the new single-officer special court-martial is subject to challenge for cause alone, thus preventing his peremptory challenge. Under present law an accused is entitled to one peremptory challenge of any member of a special court-martial (including the presiding member who is a nonlawyer) and of a general court-martial, excluding the law officer who may be challenged for cause only. It should be emphasized that under DOD the accused must know in advance the identity of the law officer who is to preside at his special court-martial.

The subject proposal does not change the present rule that the court members of a general court-martial determine the relevancy and validity of challenges for cause. (AL sec. 1(12b)(B) transfers this power to the law officer; see par. 9e, pt. III, infra.) It is the opinion of your committee that the exercise of this particular power should be by the law officer of the general court-martial. The position of the law officer in the administration of military justice should be enhanced wherever possible by giving him the judicial prerogatives traditionally accorded a trial judge. Your committee's draft bill in part V, infra, transfers the power to rule on all challenges to the law officer. Furthermore, your committee has transferred the power to punish for contempt (art. 48) from general court-martial members to the law officer (pt. V, infra).

In addition, and for the same reason, your committee has endorsed AL section 1(12a) insofar as it amends article 40 to place the power to rule on continuances in the law officer instead of in the court members (see par. 9d, pt. III, infra).

9. Rulings by the law officer, general or special courts: Section 1(9) amends article 51 to place within the province of the law officer the final decision on a motion for a finding of not guilty. (AL sec. 1(13)(B) makes this same proposal; see par. 12, pt. III, infra.) This is a change from the present practice under which the law officer makes the initial ruling, but is subject to reversal by court-martial members. This section also changes present procedure to preclude the law officer from changing a ruling which grants a motion for a finding of not guilty, thus according his ruling finality. He, of course, retains the power to reverse an earlier ruling denying such a motion. Under the new legislation, therefore, the law officer's rulings on all interlocutory questions, except the question of the accused's sanity, are not subject to reversal by court members. This is deemed salutary for the reasons advanced in paragraph 8 of this part II.

Finally, this section invests the single-officer special court-martial with the authority to determine all questions of law and fact arising during the trial. It also empowers him to adjudge an appropriate sentence. (See par. 5, pt. III, infra, wherein your committee approves the AL proposal depriving special courts-martial of the power to adjudge punitive discharges.)

Section 1(9) is approved. Commendably, it transfers judicial powers now inappropriately exercised by military laymen to the military trial judge where they belong.

10. Verbatim records of trial: Section 1(10) amends article 54 with respect to the requirements for a verbatim record of trial. Under the present law a verbatim record of trial is required in all general court-martial cases, irrespective of the sentence imposed, and in special court-martial cases only if punitive discharges are adjudged.[7]

The subject proposal is aimed at the general court-martial case in which a court imposes a sentence which does not extend either to a punitive discharge or to confinement for more than 6 months. These sentences are within the sentencing authority of a special court-martial and, for ease of reference, are characterized herein as "special court-martial type sentences."[8] The rationale of the proposal is that if a verbatim trial record is not required for a special court-martial case unless a bad-conduct discharge is imposed, there should be no requirement for a verbatim record in a general court-martial case wherein a "special court-martial type sentence" (not including a punitive discharge) is adjudged. The proposal is designed to achieve administrative economy. Your committee has reservations.

Ideally an accused ought to be entitled to receive a verbatim transcript of criminal proceedings against him in all general and special courts-martial, but practical considerations render this unfeasible. Accordingly, at the present time, it is the uniform service practice, sanctioned by present provisions of law, not to give an accused a verbatim transcript in special court-martial cases which do not result in the imposition of a bad-conduct discharge.

However, your committee does not think that the lack of a statutory requirement for verbatim transcripts in special court-martial cases necessarily justifies the extension of this denial of a verbatim transcript to general court-martial cases resulting in "special court-martial type sentences." One difference which suggests itself immediately is that in general courts-martial a court stenographer, even under the proposed change, must at least commit to stenographic notes a verbatim account of the proceedings. The proposed legislation would simply do away with the requirement of transcribing those notes in certain cases.

Since under the proposed legislation an accused is still entitled to review of such "special court-martial type sentences" adjudged by a general court-martial at the convening authority level, it may prove extremely valuable to him to have a complete record of the proceedings, and your committee does not think that he should have to purchase such a record as DOD provides. Moreover, the right of accused persons to have verbatim records in all general courts-martial may act as an inducement to convening authorities to refer borderline cases to special courts-martial.

For the foregoing reasons, your committee disapproves the proposal as drafted. However, in recognition of the need for the elimination of unnecessary administrative costs and expenses, your committee recommends as an alternative that the requirement for verbatim records in general courts-martial be modified so as to provide that there need not be a verbatim record of trial in general courts-martial wherein "special court-martial type sentences" are adjudged, unless the accused specifically so request in writing after consultation with defense counsel. Part V, infra, contains a proposal embodying this recommendation.

11. Death sentences: Section 1(11) amends article 57 to provide that an accused person sentenced to death forfeits all pay and allowances and that this forfeiture may be ordered into execution upon the approval of the sentence by the convening authority. This proposal removes the present anomalous rule allowing a serviceman under sentence of death to draw pay in the grade he was at the time of the offense until the very moment of death. Your committee is in full accord with this proposal.

12. Disposition of records: (a) Section 1(12) amends the provisions of article 65 concerning the disposition of records of trial after action by the convening authority. Under the present rule all general court-martial records of trial are forwarded to the Judge Advocate General for review either by the Board of Review or the Examinations Branch of the Office of the Judge Advocate General, depending upon the severity of the sentence imposed. Under section 1(12), general courts-martial wherein "special court-martial types of sentences" are imposed are regarded in the same category as special courts-martial so that review thereof will terminate at convening authority level and will not be forwarded to Washington.

Your committee fails to see the need for a more extended review of general courts-martial containing "special court-martial type sentences" than for special courts-martial. Accordingly, the proposal is approved.

(b) Section 1(12) also contains a provision allowing the review in the Navy of those courts-martial not required to be reviewed in the Office of the Judge Advocate General by persons who are not law specialists, but are members of the bar. This apparently satisfies a particular personnel problem of the Navy and your committee discerns no objection thereto.

Your committee's recommendation that special courts-martial should no longer have the power to adjudge bad conduct discharges (see AL sec. 1(4), par. 5, pt. III, infra) requires the deletion of article 65(b), providing for review of special courts-martial adjudging bad conduct discharges, and causes a modification of DOD section 1(12) insofar as it amends article 65(b). (See pt. V, infra.)

13. Boards of review: (a) Section 1(13) changes the requirements in article 66 for review by a board of review. It specifically provides that there need not be a review by this tribunal in cases in which the accused pleaded guilty to all the offenses of which he was convicted and then waived his right to board of review consideration in writing, after the convening authority's approval of the sentence. This is another proposal designed to expedite the administration of military justice and thereby effect economies. It also allows for prompter execution of the sentence in those cases where there is no genuine need for, and the accused does not desire, a time-consuming review. At the same time, it permits an accused to make a knowledgeable decision without outside pressure as to whether he wishes his case reviewed further.

b. The subject proposal also contains the salutary provisions allowing the Judge Advocate General to dismiss charges in a case wherein a rehearing has been ordered by the board of review if he determines that such a rehearing is impractical. Section 1(14) amends article 67 to the same effect with respect to rehearings ordered by COMA. Under the present law, the Judge Advocate General is without this authority and is re-

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[7] In the Army, court reporters are not authorized for special courts-martial without the prior approval of the Secretary of the Army (AR 22–145) with the result that, without the Secretary's approval which is rarely if ever given, there can be no verbatim record of the proceeding. The effect is to preclude special courts-martial from adjudging bad conduct discharges. COMA in CM 400812, Denniston has granted review on the question whether this regulation illegally infringes upon the statutory powers of a convening authority.

[8] Under your committee's bill special courts-martial would not be authorized to adjudge punitive discharges or, as at the present time, confinement for more than 6 months. See our discussion in par. 5, pt. III, infra.

quired to forward the record of trial back to the field for the convening authority's determination as to the practicability of a rehearing.

Your committee is in full accord with the proposal as drafted.

14. Review of additional cases in the Examinations Branch of the Office of the Judge Advocate General:

Section 1(15) provides that the class of general courts-martial no longer required to be heard by a board of review by virtue of DOD section 1(13), discussed in paragraph 13a of this part II, will be examined in the Examinations Branch of the Office of the Judge Advocate General. This is approved.

Section 1(15) also provides that in an examined case if any part of the findings or sentence is not supported by law the Judge Advocate General may either take necesasry corrective action himself or refer the case to a board of review. Under the present law, he is without authority to take affirmative action and is limited to referral action. Your committee approves this extension of the Judge Advocate General's authority since it obviates the unnecessary burden now placed upon boards of review of considering cases the disposition of which turn on well settled points of law.

In this connection, reference is made to the discussion of DOD section 1(12) (paragraph 12 of this pt. II) wherein it is noted that general court-martial cases presently reviewed in the Examinations Branch (those wherein no punitive discharge is adjudged or confinement for less than 1 year is imposed) will have review terminated at convening authority level. Thus, under section 1(15), the Examinations Branch will consider an entirely new class of general court-martial cases.

15. Partial execution of sentences: According to the 1957 annual report of COMA, the Judge Advocates General, and the General Counsel of the Department of the Treasury, about 407 days elapse under the present system between the date an accused is tried by court-martial and the date his sentence is ordered into execution. This is due to the fact that under present law execution of any and all parts of a sentence which includes either a dismissal or a punitive discharge or affects a general or flag officer must be deferred until appellate review has been completed. Accordingly, it has been necessary in the administration of military correctional facilities to make a distinction between "sentenced" and "unsentenced" prisoners. This has caused serious administrative problems. Section 1(16) would obviate these problems by empowering a convening authority, simultaneously with his approval action, to order into execution all portions of a sentence except those involving dismissal, punitive discharge, or affecting a general or flag officer. No change is contemplated with respect to death sentences which must be approved by the President before they can be ordered into execution, other than that noted in section 1(11) (par. 11 of this pt. II), authorizing a convening authority, upon his approval action, to order into execution forfeiture of pay and allowances. Ordering parts of sentences into execution at an earlier time will not deprive an accused of any substantial rights (art. 75). Accordingly, your committee approves the proposed amendment.

16. Petitions for new trial: Section 1(17) enlarges rights presently enjoyed by accused persons by extending the time within which they may petition for a new trial, from 1 year to 2 years from the date the sentence is approved by the convening authority. This brings the military practice into accord with rule 33 of the Federal Rules of Criminal Procedure. In addition, this section enlarges the respective powers of the boards of review, COMA, and the Judge Advocates General with respect to petitions for new trial before them, by permitting them to modify or vacate a sentence in lieu of granting a new trial, when the latter action is deemed inappropriate. This provision, it should be noted, is one of the few in DOD which is designed primarily for the benefit of military persons accused of crime. Your committee approves.

17. Breaking arrest: Article 95 presently provides for the punishment of any military person "who resists apprehension or breaks arrest or who escapes from custody or confinement." Section 1(18) amends article 95 by substituting for the words "custody or confinement" the words "physical restraint lawfully imposed." Although your committee fails to perceive the reason for the proposal, it expresses no opposition thereto.

18. Bad-check offenses: Section 1(19) adds a new punitive article to the code expressly authorizing the prosecution of bad-check offenses. The new article, article 123a, proscribes the making, drawing, uttering, or delivering of commercial paper with intent to defraud and with knowledge that the maker or drawer has insufficient funds to warrant payment upon presentment. The new article also provides that unless the maker or drawer pays the holder the amount due within 5 days after receiving notice, orally or in writing, that the instrument was not paid on presentment, the making, drawing, uttering, or delivering of the instrument shall be deemed prima facie evidence of the requisite knowledge and intent to defraud. The Department of Defense justifies this proposal by noting that grave difficulty has been encountered in prosecuting bad-check offenses under article 121 (larceny) and articles 133 and 134 (general articles) frequently resulting in the miscarriage of justice for technical reasons.

Article 123a is modeled after bad-check statutes in the District of Columbia (title 22, D.C. Code, sec. 1410) and the State of Missouri (Revised Statutes of Missouri 561.460, 561.470, 561.480). New York has a similar law (Penal Law, sec. 1292-a).

Your committee favors the use of specific punitive articles rather than the general article in defining criminal offenses, and it therefore approves.

19. Effective date of bill: Section 2 of DOD provides that its amendments shall become effective on the 1st day of the 10th month following the month in which it is enacted. This affords ample time for an orderly changeover, and enables the Armed Forces satisfactorily to implement the new law by effecting modifications of MCM, 1951, and pertinent regulations. It is accordingly approved.

PART III—DISCUSSION OF H.R. 3455 (AMERICAN LEGION)

This portion of the report comments upon the provisions of AL, section-by-section, making recommendations with respect thereto.

1. Definition of law officer: One of the basic innovations effected by AL is the change in special court-martial procedure to guarantee to an accused the same right to a trial presided over by a trained lawyer as is presently accorded to an accused tried by general court-martial. This basic change shall be commented upon in detail in our discussion below of AL section 1(7A) (see par. 8 of this pt. III, infra). AL section 1(1) implementing this basic proposal, changes the definition of "law officer" in article 1 of the code explicitly to include an official of a special court-martial as well as a general court-martial. Although your committee disapproves the underlying basis of this AL proposal, it nevertheless accepts it in the draft bill (pt. V, infra) since this statutory change is deemed necessary to reflect the addition of the single-officer special court-martial (DOD sec. 1(4); par. 4, pt. II, supra).

2. Efficiency reports of legal personnel: AL section 1(1a) provides that all judge advocates and law specialists, except those serving on boards of review, shall have efficiency reports made only by their respective Judge Advocates General.

This suggestion is considered wholly impracticable because it would be virtually impossible for the Judge Advocates General intelligently to rate every judge advocate. The proposal is apparently designed to deal with two basic problems, namely, the possible exercise of improper influence (1) by the convening authority upon his staff judge advocate and (2) by the staff judge advocate upon the judge advocates under his command, particularly law officers and defense counsel. Your committee thinks the goal desired is a laudable one but that the method employed in AL to accomplish it is unworkable.

Your committee has considered the desirability of removing the staff judge advocate from the control and direction of the line officer in command. It thinks it a mistake to take from the commanding officer the responsibility for rating the efficiency and fitness of one of the most important officers on his special staff. This is particularly true since the staff judge advocate by the very nature of his duties must perform command and staff functions as well as render legal advice on military justice matters. One of the most important duties a staff judge advocate can perform, for example, is the establishment and supervision of a program for the prevention of disciplinary problems within his command. To the extent this program is successful, the demands upon the administration of military justice will be minimized.

The isolation of a staff judge advocate for efficiency rating purposes or for any other purpose would destroy the close staff relationship—client-lawyer relationship—presently existing between the commanding officer and his chief legal adviser. This will impede rather than improve the overall administration of military justice in the long run.

With respect to legal personnel (other than law officers) working in the office of a staff judge advocate and under his general supervision, your committee does not feel that a change ought to be made at the present time. It sees no problem inherent in the present system under which a staff judge advocate rates legal assistance, contracting, and other nonmilitary justice legal personnel in his office. Nor does it see any serious problem in connection with the efficiency ratings of personnel conducting the prosecution of criminal causes. There is, however, considerable force to the suggestion that legal personnel charged with the duty of conducting a defense ought not in any way be subject to the influence of the staff judge advocate since that officer may, because of his statutory duties in connection with the initiation of a prosecution, acquire a personal interest in its ultimate success. In this regard your committee is advised that the Office of the Judge Advocate General of the Army has specifically considered the advisability of establishing a separate defense counsel corps and has rejected the proposal at the present time primarily for lack of sufficient personnel to staff such an endeavor. For this same reason your committee believes that special statutory provision for removal of defense counsel from staff judge advocate supervision at the present time is unwise. However, it recommends that all the services mark this as an area of continuing observation and study.

With respect to the efficiency reports of law officers, it should be noted that elsewhere in this report (par. 2, pt. IV, infra) your committee has proposed an amendment to the code adapting a newly instituted Army practice removing law officer efficiency ratings

from within the province of the staff judge advocate and placing them directly within the responsibility of the Judge Advocate General of the service concerned. We believe that isolation of the law officer from local prejudices would enhance the detached performance of the judicial function. Moreover, since it is the Judge Advocate General who is empowered to certify law officers as qualified in the first place, their can be no harm in permitting him to evaluate their efficiency and promote them accordingly. In this regard, therefore, your committee is in accord with one of the basic purposes of this AL provision and has made a specific recommendation in paragraph 2, part IV, infra.

This AL section by its terms excepts members of boards of review from receiving efficiency ratings by the Judge Advocates General. AL section 1(16) provides that board of review members are to be rated for efficiency and fitness purposes by the Secretary of Defense. This provision and your committee's recommendations with respect thereto are discussed, infra, in paragraph 14 of this part III.

3. Trial of military personnel by civilian authorities: AL section 1(2) amends article 14(a) by (a) making mandatory in time of peace the delivery of any member of the Armed Forces to civilian authorities upon request of such authorities for trial for offenses against the laws of the United States, States, territories or District of Columbia and (b) prohibiting the trial by court-martial of military personnel for civilian type felony offenses (arts. 118–132 of the code) in time of peace if, prior to arraignment, the civilian authority having jurisdiction for a similar offense requests delivery of that person for trial. AL section 1(20a) makes noncompliance with this provision a criminal offense.

Your committee considers this proposal seriously objectionable. First, it should like to note what appears to be a technical defect in draftsmanship. Under the terms of the proposal a request for delivery for trial by civilian authorities and not trial itself would preclude the exercise of court-martial jurisdiction. Thus, if civilian authorities requested the delivery of an accused for trial but for some reason not connected with the question of guilt or innocence abandoned the prosecution the military would be powerless to prosecute. More important than this question of draftsmanship, however, is the fallacy in what appears to be the basic philosophy underlying this proposal. The efficiency of the administration of military justice is directly dependent upon the establishment of a judicial system that will have the faith and confidence of the American public. This AL proposal subordinates the military judicial system to civilian systems of justice, and thus weakens the very system it purportedly is trying to strengthen.

In particular, this proposal is objectionable for many independent reasons. Brief mention shall be made of only a few: First, the efficiency of a military organization directly depends on the level of discipline within the command. In order to maintain discipline a military commander must have the inherent authority fully to direct and control the personnel within his command. This has been borne out through the ages. Without such control a military organization cannot function effectively. Second, there is no reason whatever to suppose that civilian authorities would be better equipped than the military to handle the administration of justice for military personnel. Third, it must be recognized that allowing civilian authorities to dictate the forum for trials of military personnel is particularly dangerous in situations wherein local prejudices might be operative. Finally, it is believed that the present practice of delivering military personnel for trial by civilian authorities under the prescribed regulations (AR 600–320, May 17, 1951, as changed) has been singularly successful. Close liaison has been maintained between the military and civilian authorities with a view toward attaining maximum cooperation. Unless there has been some glaring defect in the present procedure of which your committee is unaware, there is no reason for changing it.

For the reasons stated herein your committee is firmly opposed to the AL proposal and believes that its enactment would constitute a serious retrogression in the development of a sound system of military jurisprudence.

4. Classification of courts-martial: AL section 1(3) provides for a law officer in the organization of a special court-martial. This is another provision implementing the basic AL provisions, already adverted to, changing the character of the special court-martial. (See the discussion of sec. 1(7A), par. 8 of this pt. III, infra.)

5. Special courts-martial not to adjudge punitive discharges: AL section 1(4) amends article 19 by eliminating the authority of special courts-martial to adjudge punitive discharges. In view of this change, AL section 1(15) amends article 65, dealing with the disposition of trial records after review by the convening authority to reflect the fact that all review of special courts-martial will terminate at that level. Although your committee is opposed to several basic changes proposed by the American Legion with respect to the composition of special courts-martial, it does recommend the adoption of this proposal.

No one, it thinks, would gainsay the proposition that a punitive discharge imposed upon a serviceman constitutes a most serious and permanent blot on his record—one carrying with it severe consequences in his later civilian pursuits. Your committee does not think that punishment this severe and far-reaching ought in any case to be administered in the absence of a judicial proceeding containing all of the traditional judicial safeguards such as representation by qualified, legally trained counsel. In this connection it must be borne in mind that by and large members of the military community are young inexperienced men still in their formative years. Your committee knows of cases of youthful military offenders who, without mature consideration of their situation, have actually requested and sought punitive discharges as an expeditious way of severing all connection with the military. All too often, in later years these individuals rue their earlier indiscretions without any effective remedy at hand.

Under the present law it is possible for an accused to receive a punitive discharge with all its attendant consequences by a special court-martial proceeding conducted without the benefit of legally trained personnel. The Navy has long taken the position that it would be unable effectively to administer military justice, particularly at sea, if it were deprived of the power to adjudge punitive discharges by special courts-martial. Although sympathetic to the administrative problems involved for the Navy (for example, in making witnesses available at a suitable land station), your committee cannot condone the present practice. It has already been noted that the Army—which possesses the largest criminal jurisdiction in the United States—has through the promulgation of regulations (AR 22–145) made it practically impossible for Army special courts-martial to adjudge punitive discharges. Your committee strongly recommends that the Army's lead in taking away the power of special courts-martial to adjudge punitive discharges be made applicable to all the services by statute.

It should be noted that DOD, in a provision approved in most respects by your committee (DOD sec. 1(4); par. 4, pt. II, supra), has increased the judicial safeguards surrounding trial by special court-martial by giving the accused the right to be tried before a single-officer special court-martial, composed of a law officer, in lieu of trial before the traditional laymanlike special court-martial. Notwithstanding this basic change, your committee must recommend that special courts-martial—even those composed of the single law officer—be deprived of the authority to adjudge punitive discharges. Until such time as the single-officer special court-martial has been firmly established as a part of the military system with a history of sentencing practice, we do not feel that the power to impose a punitive discharge should be lodged in one man, whatever his qualifications.

6. Convening of summary courts-martial: AL section 1(5) amends article 24(b) by providing that a summary court-martial must be convened by superior authority when only one commissioned officer is present in the command. Under the present rule when only one commissioned officer is present within a command or detachment he has full authority both to convene and act as the summary court-martial. The present provision is designed for those rare situations wherein an isolated command requires expeditious summary court-martial action; the objection thereto is that it allows for vindictive and hasty action in situations clearly calling for a cooling off period.

Your committee does not pass on this AL provision since in paragraph 1, part IV, infra, it has recommended abolition of the entire summary court-martial structure if the increased nonjudicial punishment powers proposed by DOD, and approved by your committee, are enacted.

7. Law officer as summary court-martial: AL sections 1(6) (A) (B) and (C) amend article 25 by requiring a summary court-martial to be a law officer and forbidding such law officer from serving as a summary court-martial if he is an accuser, witness for the prosecution, investigating officer of counsel in the same case.

Your committee does not pass on this AL provision since in paragraph 1, part IV, infra, it has recommended abolition of summary courts-martial. This proposal does, however, seem impractical and therefore unsound. The Armed Forces at the present time are having great difficulty in providing legally qualified personnel to administer the code as it is. During fiscal year 1958 the Armed Forces tried over 100,000 summary courts-martial. It is quite obvious that under present conditions it would be impossible to staff summary courts-martial with law officers.

8. Law officers on special courts-martial: Section 1(7A) amends article 26(a) to require a law officer in lieu of the president, usually a layman, to preside over special courts-martial. AL sections 1(8a), 1(12)(C) and 1(13)(C) effect corollary changes to articles 29, 39, and 51, respectively.

The Department of Defense has objected to the AL proposal primarily because of the personnel problems that would be presented. Although this objection does not detract from the obvious merit of the proposal, it does necessitate an effort to seek a suitable alternative.

As noted in paragraph 4, part II, supra, DOD section 1(4) provides that, in addition to the special court-martial which may be convened under present provisions of the code, there be established a single-officer special court-martial presided over by a law officer sitting, in effect, as a magistrate without a jury. Under DOD, then, and under your committee's recommendation, military personnel accused of crime whose cases are referred to a special court-martial by the convening authority have two choices: (a) trial by the traditional special court-martial composed of a lay "jury" presided over by a

nonlawyer, or (b) a proceeding similar to a nonjury proceeding in civilian magistrate's court before a legally trained officer.

Your committee believes that an accused's rights are well protected under the new system recommended by DOD and accordingly disapproves the AL proposal for the present time. It emphasizes that under its draft bill an accused could not receive either a punitive discharge or confinement for more than 6 months unless tried by a general court-martial composed of both "judge" and "jury." See paragraph 5 of this part III, concerning the repeal of authority of special courts-martial to adjudge punitive discharges.

9. Authority of law officer: The following AL sections are grouped together since they all relate to the powers of the law officer.

(a) AL section 1(7)(B) amends article 26(b) to provide that law officers "may not consult with the members of the court except in the presence of the accused, trial counsel, defense counsel, and the reporter, if any, nor may he vote with the members of the court." Section 1(12) (A) and (B) effect corollary amendments to article 39. At present the law officer is permitted to consult with the court members on the form of the findings outside the presence of the accused and counsel.

(b) AL section 1(7)(C) further amends article 26 to provide that the law officer "shall preside over all proceedings of general and special courts-martial except when closed for deliberation or voting by the members and shall control, direct, and regulate the conduct of all proceedings before the court."

(c) AL section 1(11)(A) amends article 38(a) dealing with the duties of trial counsel to indicate that trial counsel shall prepare the record of proceedings under the direction of the "law officer" rather than the "court."

(d) AL section 1(12a) amends article 40 to place the authority to grant continuances in the law officer.

(e) AL section 1(12b) amends article 41 to take from court-martial members and grant to law officers the authority to rule on challenges. AL sections 1(13)(A) and 1(13a) make corollary changes in the present provisions of articles 51 and 52, respectively, enabling law officers to rule on challenges and to rule with finality on motions for findings of not guilty.

These suggestions are unquestionably meritorious insofar as they apply to general courts-martial and your committee approves to that degree. As to special court-martial procedure they are equally desirable if the basic AL proposal putting law officers on traditional special courts-martial is adopted. Since your committee opposes the basic change (see par. 8 of this pt. III), it opposes the aforesaid proposals insofar as they relate to special courts-martial. It also disapproves the changes insofar as they are applicable to summary courts-martial (see par. 7 of this pt. III).

10. Detailed counsel before summary courts-martial: AL section 1(8) amends article 27(a) to require the authority convening a summary court-martial to detail a defense counsel upon request of the accused. Sections 1(11) (B) and (C) contain further amendments to article 38 reflecting the AL proposals that defense counsel be appointed for summary courts-martial and that special courts-martial be presided over by law officers. In view of its recommendation that summary courts-martial be abolished (par. 1, pt. IV, infra) and its opposition to placing law officers on special courts-martial (par. 8 of this pt. III) your committee opposes this provision.

11. Court-martial procedure: Article 36 authorizes the President to prescribe by regulation the "procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals," applying "the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the U.S. districts courts * * *." MCM, 1951, was issued pursuant to this authorization.

AL section 1(9) amends article 36, inter alia, to grant to COMA the power to prescribe rules for court-martial practice. This provision in the opinion of your committee is seriously objectionable and a backward step for the development of a workable system of military justice. The AL proposal ignores the evolution, under the manual through the years, of military law to the point where, as interpreted and modified by COMA, there is now in operation a fair and orderly system—in many respects more enlightened than corresponding practice in the Federal and State courts. Your committee strongly urges that the interpretative and rulemaking functions be maintained separately as at the present time. COMA's workload is already a heavy one. To increase the burden is wholly unnecessary and unwarranted.

AL section 1(10) is a purely technical amendment changing the titling in the United States Code to reflect the change herein discussed.

For the reasons stated, your committee disapproves.

12. Voting and rulings: AL section 1(13)(B) amends article 51 to authorize the law officer to rule on all interlocutory questions except insanity. This proposal is substantially identical to DOD section 1(9) and, for the reasons stated in paragraph 9, part II, supra, is approved.

13. Records of trial: AL section 1(15)[9] requires verbatim trial records in all general and special courts-martial and provides for summarized records of trial, pursuant to regulations, for summary courts-martial. In paragraph 10, part II, supra, your committee has expressed its views concerning records of trial. No view is expressed with respect to summary courts-martial since your committee recommends the abolition of summary courts (par. 1, pt. IV, infra).

14. Boards of review: AL section 1(16) amends article 66 to provide that the Secretary of Defense (Secretary of Treasury for Coast Guard in time of peace), rather than the Judge Advocates General as presently provided, shall constitute boards of review and rate board members for efficiency purposes. The AL proposal would also remove board members from the purview of provisions of title 10 of the United States Code limiting tours of duty of commissioned officers assigned to the executive part of the service departments to 4 years in the absence of a special finding by the Secretary of the department that the continued presence of the officer is in the public interest.

Although your committee is unequivocally opposed to this AL proposal for reasons hereafter to be advanced, it believes that the AL has focused on a problem area now existing in the administration of military justice—one requiring immediate remedial action. Under the present law members of boards of review may be and have been rated for efficiency and fitness purposes by the senior member of the board, thus permitting him unduly to influence his junior confreres.

Your committee firmly believes that the solution to the problem raised herein does not lie in the removal of board of review members from the aegis of the Judge Advocates General. For the present, we recommend that board members ought to be rated by the Judge Advocates General of the services. This would prevent undue influence within a given board of review. We strongly doubt there would be influence exerted by the Judge Advocates General. Eventually, it may prove desirable to have no gradations in rating at all, with all board members receiving the same rating for purposes of their 201 files.

Consideration ought also to be given, as a future project, to the creation of a judiciary corps in each of the services from which law officers and board members could be drawn. Board duty ought then to be limited to officers performing in exemplary fashion as law officers (cf. discussion concerning law officers, par. 2, pt. IV, infra).

Your committee also recommends that duty on boards of review and law officer duty be restricted to field grade officers or the equivalent thereof who have been members of the bar for at least 5 years to insure that cases receive mature judgment and consideration.

Finally, your committee concurs in the AL suggestion that board members be relieved of the present 4-year tour of duty restriction.

The views expressed herein are reflected in the committee bill set forth in part V, infra.

15. Factual review by COMA: AL section 1(17) amends article 67 to empower COMA to "weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses." At the present time COMA reviews only questions of law.

This proposal is disapproved. The highest appellate court is usually not a factfinding body and COMA ought not to be treated differently. Its docket would be terribly overloaded thus unduly delaying completion of appellate review in many cases.

16. Murder and rape: AL sections 1(18) and 1(19) amend articles 118 and 120 to preclude the trial by court-martial of any person for murder or rape committed in the United States in time of peace.

For the reasons expressed in connection with AL section 1(2) (par. 3 of this pt. III), your committee considers this an unwarranted curtailment of military jurisdiction and is therefore unalterably opposed.

17. Administration of oaths: AL section 1(20) amends article 36 to withdraw from presidents of general and special courts-martial authority to administer oaths. Under the AL scheme oaths would be administered by the newly constituted law officer in special courts and by the law officer or trial counsel in general courts. Your committee sees no need for this change. It therefore disapproves.

18. Status of military lawyers: AL sections 1(21) through 1(37) make certain basic changes in the statutory provisions defining the role of the military lawyer in the Armed Forces, in order that he may be isolated from, and insulated against, the military command. This goal is sought to be achieved by the following changes:

1. removing the judge advocates general from the staff structure and freeing them from "the supervision, direction, control or command" of the Chief of Staff or Chief of Naval Operations;

2. making them subject to the supervision of and responsible to both the respective Secretaries of the military departments and the General Counsel of the Department of Defense;

3. providing that military lawyers shall only perform duties as judge advocates (Army and Air Force) or "special duty (law)" officers (Navy), subject to the sole command of their respective judge advocates general, with distinctive insignia; separate promotion lists; and selection boards for promotion composed of military lawyers, if at all possible.

While your committee is, of course, in full accord with the proposition that "command influence" should be completely eradicated, here again it regards the sweeping approach of AL as likely to destroy the

[9] Sic. This should be sec. 1(14) et seq. The AL draft contains two sections bearing sec. No. 1(15) et seq. and omits a sec. 1(14).

system it is purportedly designed to improve. "Command influence" will be vitiated by increasing the prestige of the military lawyer in such a way that the commander will come to rely on him as one of the most valued members of his personal staff. Isolating all judge advocates from the chain of command and making them in effect responsible to two civilian masters (the Secretary of the Military Department and the general counsel of the Department of Defense), as AL curiously does, is not the answer. It should be noted, however, that your committee has in other parts of this report (par. 2 of this pt. III supra, and par. 2, pt. IV infra) indicated those specific duties, e.g., the law officer, wherein separation from command direction is desirable.

Accordingly, your committee disapproves those provisions of AL effecting the first two of the three basic changes.

With respect to the third change, your committee is of the opinion that the legal structure of the Army with its separate Judge Advocate General's Corps is vastly superior to that of the Air Force and Navy wherein judge advocates and law specialists are also line officers and are often rotated from one duty to the other. It, therefore, approves in principle that portion of the proposal which would enable military lawyers to serve solely in such capacity. Although it expresses no opposition to the proposal that there be distinctive insignia, separate promotion lists, and selection boards composed of military lawyers, your committee does not regard these as meaningful to the ultimate goal, and would defer to the independent judgment of the Judge Advocates General on these particular matters. As to the proposition that military lawyers should be subject to the sole command of the Judge Advocates General, the view has already been expressed that it is only valid in certain cases, such as the law officer, boards of review members, and possibly defense counsel (see par. 2 of this pt. III).

19. Command influence made a penal offense: AL section 2 adds a new section 1508 to title 18, United States Code, making the exercise of command influence a crime punishable by a fine of not more than $5,000 or imprisonment up to 5 years, or both. Presumably such prosecutions would be under the direction of U.S. attorneys.

Article 37 proscribes command influence, and violations thereunder could be prosecuted under the general articles (arts. 133 and 134). Your committee is not aware of any such prosecutions having ever been undertaken, and this is probably the reason for the AL proposal. If the AL proposal is enacted, the constitutional protection against double jeopardy would, of course, be operative so as to prevent trial by both a U.S. district court and a court-martial.

The problem is basically whether the prevention of "command influence" should remain a military responsibility or whether it should become a Federal crime. Although there have been no prosecutions for violations of article 37, your committee believes that the enactment of the proposals recommended by your committee will far more efficaciously prevent command influence. Accordingly, your committee disapproves the AL proposal.

20. Savings clause: AL section 3 is designed to preserve the provisions of the existing code with respect to offenses committed prior to the effective date of this bill. Such a clause has customarily appeared in previous amendments to the Articles of War and Uniform Code of Military Justice (e.g., sec. 49(c) of the act of Aug. 10, 1956 (70A Stat. 1)) and your committee approves.

21. Effective date: AL section 4 provides that the bill will become effective on the first day following the 12th month following the month in which the bill is approved, except for those sections pertaining to the following, which would become effective upon the enactment of the bill: Delivery of offenders to civil authorities; repealing the authority of special courts-martial to adjudge bad-conduct discharges; authorizing COMA to weigh evidence, judge credibility, etc.; prohibiting court-martial trials in peacetime for murder and rape committed in the United States; and making the exercise of command influence a Federal offense.[10]

While your committee perceives the logic of the AL position that certain changes could and should be effective upon enactment, the significance of these changes and the unitary nature of the AL bill in toto render it more feasible that all provisions should become effective simultaneously. In that way, necessary administrative changes, including the drafting of a new Manual for Courts-Martial and new regulations, could be accomplished. Accordingly, your committee prefers the approach of section 2 of DOD making all amendments effective on the same day.

PART IV—ADDITIONAL COMMITTEE PROPOSALS

1. Abolition of summary court-marial: In part II of this report your committee approved the very important proposal contained in section 1(3) of DOD which extends the nonjudicial punishment powers of commanding officers in the grade of major or lieutenant commander or above by giving such officers the authority to confine enlisted men for periods of up to 7 days or to impose the forfeiture of their pay for up to one-half of 1 month's pay. These extensions of power were approved since it is believed they will frequently obviate resort to summary courts-martial with their attendant consequences of a full criminal conviction. If DOD section 1(3) becomes law, it is your committee's belief that there will no longer be a genuine need for summary courts-martial in the Armed Forces' judicial structure.

At present summary courts-martial, which have jurisdiction only of enlisted men, may adjudge any punishment except death, dismissal, dishonorable or bad-conduct discharge, confinement for more than 1 month, hard labor without confinement for more than 45 days, restriction to specified limits for more than 2 months, or forfeiture of more than two-thirds of 1 month's pay (art. 20); provided that confinement, hard labor without confinement, or reduction except to the next inferior grade may not be imposed upon enlisted men above the fourth pay grade (pars. 16b, 126c(2), MCM, 1951). The summary court-martial consists of one commissioned officer (art. 16(3)), who need not be and usually is not a lawyer. This officer acts as judge, jury, trial counsel, and defense counsel (par. 79 a, d, MCM, 1951). While there are no statutory provisions concerning the minimum grade of the summary court-martial officer, the Manual (par. 4c, MCM, 1951) states that "wherever practicable" he should not be below the rank of lieutenant (Navy) or captain (Army, Air Force, Marine Corps). An accused person in the Army and Air Force who has been offered nonjudicial punishment under article 15 has the right to be tried by summary court-martial in lieu thereof, but the right is not available in the Navy or Coast Guard (par. 132, MCM, 1951).

Summary court-martial records of trial must be reviewed by a judge advocate (art. 65(c)), but your committee doubts the efficacy of such a review. A summary court-martial record of trial consists only of a four-page charge sheet, and the only matters required to be recorded therein are the pleas, findings, and sentence, it not being necessary for the evidence to be summarized or attached (par. 79e, MCM, 1951). It is accordingly quite clear that there can be no review of the question of guilt or innocence, and that corrective action generally is limited to questions of jurisdiction, legal sufficiency of the charge, or legality of the sentence. Since a recipient of nonjudicial punishment can appeal to next higher authority on the ground that his punishment was unjust or disproportionate (art. 15(d)), your committee submits that any asserted difference between nonjudicial punishment and the summary court-martial as regarding the judicial processes and protections of the latter are more apparent than real. This is particularly so when one considers that a summary court-martial conviction has a permanent effect whereas nonjudicial punishment does not. Your committee believes that both procedures are equally summary and susceptible of abuse, the only significant differences as to punishment at present being that a commanding officer cannot impose confinement or forfeit pay under article 15. Under DOD (in view of expansion of article 15 authority), this difference of course narrows to one of degree rather than kind.

Accordingly, your committee sees no need for retaining the nonjudicial-like summary court-martial if DOD section 1(3) amending article 15 is adopted.[11] See sections 1(5)(B), 1(7), and 1(9), part V, infra, implementing this recommendation.

2. Qualifications of law officer: It is indisputable that an independent judiciary is one of the basic cornerstones of a sound judicial structure, and that, in the military, the development of the law officer as a true trial judge is a key factor in accomplishing this goal. (See Miller, "Who Made the Law Officer a Federal Judge?" 4 Military Law Review 39 (1959).)

Heretofore in the Army the general practice was that the law officer was drawn from the office of the staff judge advocate of the convening authority. More often than not the individual judge advocate rotated from trial counsel to defense counsel to law officer with each individual case. Law officers were frequently equivalent in grade to an Army or Air Force captain. We understand that this generally is the present practice in the Air Force, Navy, and Coast Guard.

It seems quite apparent that the present system has an inherent defect with the law officer being on the staff of the staff judge advocate and convening authority. Furthermore, the rotation of judge advocates as law officers hinders the development of an experienced trial judiciary.

The Judge Advocate General of the Army, taking full cognizance of the foregoing, has organized a division of experienced judge advocates, all of the grade of major and above, to serve solely as law officers. The members of the Field Judiciary Division are on the staff of the Judge Advocate General and are not responsible to any other command. Efficiency reports are written in the Office of the Judge Advocate General, and the Field Judiciary Division services all Army general courts-martial under a modern version of the circuit-rider system. The Judge Advocate General assigns a suitable number of law officers for a geographical area. For example, it is believed that two members of the Field Judiciary Division are assigned to sit on all general courts-martial in the 1st Army area.

The new system has the obvious virtue of minimizing to a considerable extent the exercise of command influence by either the Staff Judge Advocate or the convening au-

[10] Your committee is also advised that AL contemplates immediate effectiveness of the provision for separate selection boards, but the bill contains incorrect cross-references to sections and fails to reflect this intent.

[11] See par. 3b, pt. II, supra, concerning the right to refuse nonjudicial punishment and to demand trial by single-officer special court-martial.

thority, and is a major step in the direction of creating an independent judiciary.

Your committee sees no convincing reason why the essential elements of the Army program should not be extended to the other Armed Forces by means of an appropriate amendment to the code. It accordingly recommends that the qualifications of a law officer of a general court-martial in article 26(a) be modified to provide that all law officers shall be (1) under the sole command of the Judge Advocate General of the armed force of which they are members, (2) in the grade of major or lieutenant commander and above; (3) a member of the bar of at least 5 years' standing; and (4) detailed by the Judge Advocate General. See section 1(11), part V, infra, implementing this recommendation.

3. The power to sentence: In directing its attention to the problem of making the law officer a truly independent trial judge, your committee has specifically considered the fact that, unlike civilian tribunals, the power to sentence is exercised in the military by court-martial members and not by the law officer (art. 56). This is, of course, a long established tradition in the military.

Although it may be desirable eventually to transfer the sentencing power to the law officer, your committee does not recommend it at the present time. Your committee believes that both the DOD and AL, as modified by the committee's additional recommendations, contain important provisions that if adopted will improve the status of the law officer so as to make desirable an eventual transfer of the sentencing power. It has in mind particularly the provisions establishing the law officer as a single-officer special court-martial who will pass sentence (DOD secs. 1(4) and 1(6)); making final the law officer's rulings on motions for findings of not guilty, challenges, and continuances (DOD secs. 1(8) and 1(9); AL secs. 1(12a), 1(12b), 1(13), (A) and (B), and 1 (13a)); and extending the Army's Field Judiciary system to all the Armed Forces.

Your committee accordingly recommends that this particular subject be marked for further study.

4. Extraordinary review of courts-martial: The Legislative Reform Act of 1947 (70A Stat. 116) created the armed services' Boards for Correction of Military Records in the Department of Defense. The statutory grant of power for the Boards which now appears in 10 USC § 1552 is in the broadest of terms:

"(a) The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an unjustice."

Pursuant to this enabling authority, there are now in existence separate Boards for Correction of Military Records for the Army, Air Force, and Navy.

These Boards were established in order to free Congress of the burden of dealing with matters previously dealt with by private bills and to provide a method for their disposition by administrative action (41 Op. Atty. Gen. Jan. 22, 1951).

One of the earliest questions to arise with respect to the authority of the Boards concerned their power to take corrective actions in court-martial convictions which are "final and conclusive * * * [and] binding upon all departments, courts, agencies, and officers of the United States * * *" under article 76 of the code. In a vastly important opinion, the Attorney General concluded that article 76 does not affect the authority of the Secretary of the military department acting through the Board for Correction of Military Records to correct any military record where in this judgment such action is necessary to correct an error or remove an injustice arising from a court-martial conviction (41 Op. Atty. Gen. Dec. 29, 1949).[12]

As may be expected, the Boards receive a huge volume of petitions for review of courts-martial, and have been responsible for affirmative relief in many cases. In some of the cases calling for corrective relief, it has been apparent that the accused should never have been convicted, e.g., the facts showed that he was clearly innocent, or the court had no jurisdiction or the act was not an offense, etc. In these cases, the question has arisen whether the Secretary of the department, acting through the Board, had the authority to take corrective action by removing the fact of conviction.

The services have taken divergent approaches on this question. The Army and Navy hold that the boards are limited to removing the "punitive consequences" of a conviction, and may not eradicate the conviction. (See Williams, "The Army Board for Correction of Military Records," 6 Military Law Review 41, 42–46 (1959).) In other words, forfeitures may be returned, grades may be restored, and discharges may be recharacterized, but the conviction remains. The rationale is that article 76 still precludes any change in the findings of courts-martial and that the board's authority only extends to clemency with respect to the sentence. Apparently, the Air Force believes that the authority "to correct any military record when * * * necessary to correct an error or remove an injustice" clearly includes the power to remove the fact of conviction in an appropriate case.

Without commenting upon whether the Army and Navy or the Air Force interpretation of the present law is correct, your committee believes that the boards ought to be empowered by statute to remove the fact of conviction in appropriate cases. That is the only meaningful corrective action in a case in which an accused has been unjustly convicted. See Harris, "Some Principles Governing the Board for Correction of Naval Records and the Federal Statute Creating It. A Legalistic Approach," 42 Georgetown L. J. 210–240 (1954).

See section 1(29), part V, infra, implementing this recommendation.

"PART V—COMMITTEE BILL

"A bill to amend title 10, United States Code, as relates to the Uniform Code of Military Justice.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

"(1) Section 801 is amended—

"(A) by inserting in clause (10) the words 'or special' after the word 'general'; and

"(B) by adding the following new clause at the end thereof:

"'(13) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, a successor in command, or any officer exercising general court-martial jurisdiction.'

"(2) Section 810 is amended by striking from the first sentence the words 'tried by a summary court-martial' and substituting the words 'not punishable by confinement for more than one month'.

"(3) Section 812 is amended to read as follows:

"'§ 812. Article 12. Confinement with enemy prisoners prohibited

"'No member of the Armed Forces of the United States may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the Armed Forces of the United States, except that a member of the Armed Forces of the United States may be confined in United States confinement facilities with members of the armed forces of friendly foreign nations.'

"(4) Section 815 is amended—

"(A) by striking out in subsection (a)(1)(C) the words 'one month's pay' and inserting the words 'his pay per month for a period of not more than two months' in place thereof;

"(B) by striking out at the end of subsection (a)(2)(E) the word 'or';

"(C) by striking out the period at the end of subsection (a)(2)(F) and inserting a semicolon in place thereof; and

"(D) by adding the following new clauses at the end of subsection (a)(2):

"'(G) if imposed by an officer in the grade of major or lieutenant commander or above, forfeiture of not more than one-half of one month's pay; or

"'(H) if imposed by an officer in the grade of major or lieutenant commander or above, confinement for not more than seven consecutive days.'

"(E) by striking out the period at the end of subsection (b) and inserting a semicolon in place thereof and by adding the following new clause at the end thereof: 'except that any such regulation giving an accused the right to demand trial by courts-martial shall further provide that upon such demand the accused shall be tried by a single-officer special court-martial, which in such case may adjudge any punishment not forbidden by this chapter except death, dismissal, dishonorable or bad conduct discharge, confinement for more than one month, hard labor without confinement for more than 45 days, restriction to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay.'

"(5) Section 816 is amended—

"(A) by striking out the word '; and' in clause (2) and in place thereof inserting the words 'or only of a law officer if, before the court is convened, the accused, knowing the identity of the law officer, and upon advice of counsel, requests in writing a court composed only of a law officer, and, in time of war or national emergency or in the case of an accused attached to or embarked in a vessel, the convening authority has consented thereto.'

"(B) by striking out clause (3).

"(6) Section 819 is amended—

"(A) by inserting in the second sentence thereof after the word 'dishonorable' the words 'or bad conduct'; and

"(B) by striking out the third sentence thereof.

"(7) Section 820 is repealed.

"(8) Sections 822(b) and 823(b) are each amended to read as follows:

"'(b) If any person described in subsection (a), except the President of the United States, is an accuser, the court must be convened by a competent authority not subordinate in command or grade to the accuser, and may in any case be convened by a superior competent authority.'

"(9) Section 824 is repealed.

"(10) Section 825(a) is amended by adding the following new sentence at the end thereof: 'However, to be eligible for appointment as a single-officer special court-martial, the officer must be a law officer detailed in accordance with section 826(a) of this title (article 26(a)).'

"(11) Section 826 is amended to read as follows:

"'§ 826. Article 26. Law Officer

"'(a) The authority convening a general or a single-officer special court-martial shall detail as law officer thereof a commissioned officer in the grade of major or lieutenant commander or above who is a member of the

[12] The analogous remedy in New York is the writ of error coram nobis which has been characterized as "an emergency measure born of necessity to afford a defendant a remedy against injustice when no other avenue of judicial relief is, or ever was available to him" (*People* v. *Sullivan*, 3 N.Y. 2d 196, 198, 144 N.E. 2d 6 (1957)).

bar of a Federal court or of the highest court of a State of at least five years' standing and who is certified to be qualified for such duty and made available for that purpose by the Judge Advocate General of the armed force of which he is a member. The law officer shall be under the sole command of the Judge Advocate General of the armed force of which he is a member. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

"'(b) The law officer of a general court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, defense counsel and the reporter, if any, nor may he vote with the members of the court.

"'(c) The law officer of a general court-martial shall preside over all proceedings except when closed for deliberation or voting by the members and shall control, direct and regulate the conduct of all proceedings before the court.'

"(12) Section 837 is amended by striking out in the first sentence thereof the phrases 'general, special, or summary' and 'nor any other commanding officer' and inserting in place of the latter phrase thereof the words 'or any other commanding officer, or any officers serving on the staffs thereof,'

"(13) Section 838(a) is amended to read as follows:

"'(a) The trial counsel of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the law officer of a general court-martial, the single-officer special court-martial and the president of the special court-martial, as the case may be, prepare the record of the proceedings.'

"(14) Section 839 is amended by striking out the second sentence thereof and by striking out the word 'other' immediately preceding the word 'consultation' in the third sentence thereof.

"(15) Section 840 is amended to read as follows:

"'§ 840. Article 40. Continuances

"'The law officer of a general court-martial, the single-officer special court-martial and the members of a special court-martial, as the case may be, may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.'

"(16) Section 841 is amended—

"(A) by amending the second sentence of subsection (a) by striking out from the second sentence of subsection (a) thereof the word 'court' and substituting therefor the words 'law officer of a general court-martial, the single-officer special court-martial and the members of a special court-martial, as the case may be,'; and

"(B) by inserting in subsection (b) thereof after the words 'law officer' the words 'and an officer appointed as a single-officer special court-martial'.

"(17) Sections 843 (b) and (c) are amended by striking the word 'exercising' from each subsection and substituting the words 'who, prior to the effective date of this Act had the authority to exercise'.

"(18) Section 848 is amended so that the first sentence thereof reads as follows:

"'The law officer of a general court-martial, the single-officer special court-martial and the members of a special court-martial, as the case may be, and a provost court or military commission may punish for contempt any person who uses any menacing word, sign or gesture in his or its presence, or who disturbs the proceedings thereof by any riot or disorder.'

"(19) Section 851 is amended as follows:

"(A) by amending subsection (a) so that the first sentence thereof reads as follows:

"'(a) Voting by members of a general or special court-martial on findings and sentence, and by members of a special court-martial upon questions of challenge, shall be by secret written ballot.';

"(B) by amending the first three sentences of subsection (b) to read as follows: 'The law officer of a general court-martial and the president of a special court-martial shall rule upon all interlocutory questions arising during the proceedings. Any such ruling made by the law officer of a general court-martial upon any interlocutory question other than the question of accused's sanity, is final and constitutes the ruling of the court. However, the law officer may change his ruling at any time during the trial except a ruling on a motion for a finding of not guilty that was granted.'; and

"(C) by adding the following new subsection:

"'(d) Subsections (a), (b), and (c) of this section do not apply to a single-officer special court-martial. An officer who is appointed as a single-officer special court-martial shall determine all questions of law and fact arising during the trial and, if the accused is convicted, adjudge an appropriate sentence.'

"(20) Section 854 is amended to read as follows:

"'§ 854. 54. Record of trial.—

"'(a) Each court-martial shall make a separate record of the proceedings of the trial of each case brought before it. A record of the proceedings of a general court-martial shall contain a complete verbatim account of the proceedings and testimony before the court and shall be authenticated in such manner as the President may by regulation prescribe, except that the record of the proceedings of a trial in which the sentence adjudged is one which could be adjudged by a special court-martial need not contain such verbatim account unless the accused, upon advice of counsel, so requests in writing. All other records of trial shall contain such matter and be authenticated in such manner as the President may by regulation prescribe.

"'(b) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as authenticated.'

"(21) Section 857 is amended by adding the following new sentence at the end of subsection (a): 'A sentence to death includes forfeiture of all pay and allowances and dishonorable discharge. The forfeiture may apply to all pay and allowances becoming due on or after the date on which the sentence is approved by the convening authority.'

"(22) Section 865 is amended—

"(A) by amending subsection (a) to read as follows:

"'(a) When the convening authority has taken final action in a general court-martial case and the sentence approved by him is more than that which could have been adjudged by a special court-martial, he shall send the entire record, including his action thereon and the opinion of the staff Judge Advocate or legal officer, to the appropriate Judge Advocate General.';

"(B) by striking out subsection (b) in its entirety; and

"(C) by re-lettering subsection (c) to become (b) and by amending it to read as follows:

"'(b) All other records of trial by court-martial shall be reviewed by—

"'(1) a judge advocate of the Army or Air Force;

"'(2) an officer of the Navy or Marine Corps on active duty who is a member of the bar of a Federal court or of the highest court of a State; or

"'(3) in the Coast Guard, or the Department of the Treasury, a law specialist or member of the bar of a Federal court or of the highest court of a State.'

"(23) Section 866 is amended—

"(A) by amending subsection (a) thereof to read as follows:

"'(a) Each Judge Advocate General shall constitute in his office one or more boards of review, each composed of not less than three civilians or commissioned officers in the grade of major or lieutenant commander or above, each of whom must be a member of the bar of a Federal court or of the highest court of a State of at least five years' standing. A commissioned officer serving on a board of review shall be rated for fitness, efficiency and performance of duty only by the Judge Advocate General of the armed force of which he is a member and shall be exempt from the provisions of sections 3031(c), 3031(d), 8031(c) and 8031(d) of this title.'

"(B) by amending subsection (b) to read as follows:

"'(b) The Judge Advocate General shall refer to a board of review each record of trial by court-martial in which the approved sentence—

"'(1) extends to death;

"'(2) affects a general or flag officer;

"'(3) extends to the dismissal of a commissioned officer or a cadet or midshipman; or

"'(4) includes a dishonorable or bad-conduct discharge, or confinement for one year or more, unless the accused pleaded guilty to each offense of which he was found guilty and has stated in writing, after the convening authority acted in his case, that he does not desire review by a board of review.'; and

"(C) by amending subsection (e) to read as follows:

"'(e) The Judge Advocate General may dismiss the charges whenever the board of review has ordered a rehearing and he finds a rehearing impracticable. Otherwise, the Judge Advocate General shall, unless there is to be further action by the President, the Secretary concerned, or the Court of Military Appeals, instruct the convening authority to take action in accordance with the decision of the board of review. If the board of review has ordered a rehearing and the convening authority finds a rehearing impracticable, he may dismiss the charges.'

"(24) Section 867 is amended by inserting the following new sentence after the first sentence of subsection (f): 'The Judge Advocate General may dismiss the charges whenever the Court of Military Appeals has ordered a rehearing and he finds a rehearing impracticable.'

"(25) Section 869 is amended to read as follows:

"'§ 869. Article 69. Review in the office of the Judge Advocate General

"'Every record of trial by court-martial forwarded to the Judge Advocate General under section 865 of this title (article 65), the appellate review of which is not otherwise provided for by section 865 or 866 of this title (article 65 or 66), shall be examined in the office of the Judge Advocate General. If any part of the findings or sentence is found unsupported in law, the Judge Advocate General shall either refer the record to a board of review for review under section 866 of this title (article 66) or take such action in the case as a board of review may take under section 866 (c) and (d) of this title (article 66 (c) and (d)). If the record is reviewed by a board of review, there may be no further review by the Court of Military Appeals, except under section 867(b)(2) of this title (article 67(b)(2)).'

"(26) Section 871 is amended—

"(A) by striking out in subsection (b) the first sentence and inserting the following in place thereof: 'That part of a sentence extending to the dismissal of a commissioned officer or a cadet or midshipman may not be executed until approved by the Secretary

concerned, or such Under Secretary or Assistant Secretary as may be designated by him.';

"(B) by amending subsection (c) to read as follows:

"'(c) That part of a sentence extending to dishonorable or bad-conduct discharge may not be executed until approved by the Judge Advocate General or affirmed by a board of review, as the case may be, and, in cases reviewed by it, affirmed by the Court of Military Appeals.'; and

"(C) by inserting in subsection (d) after the words 'court-martial sentences' the words 'and parts of sentences'.

"(27) Section 872 (a) is amended so that the first sentence thereof reads as follows: 'Before the vacation of the suspension of a general court-martial sentence which as approved is more than that which could have been adjudged by a special court-martial, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation.'

"(28) Section 873 is amended—

"(A) by striking out in the first sentence after the word "within' the words 'one year' and inserting the words 'two years' in place thereof; and

"(B) by striking out the last sentence and inserting the following in place thereof: 'The board of review or the Court of Military Appeals, as the case may be, shall determine whether a new trial, in whole or in part, should be granted or shall take appropriate action under section 866 or 867 of this title (article 66 or 67), respectively. Otherwise, the Judge Advocate General may grant a new trial in whole or in part or may vacate or modify the findings and sentence in whole or in part.'

"(29) Section 876 is amended by inserting immediately preceding the words 'and the authority of the President.' the following clause: 'and the authority of the board for correction of military records for the department concerned as provided in section 1552 of this title'.

"(30) Section 895 is amended by striking out the words 'custody or confinement' and in place thereof inserting the words 'physical restraint lawfully imposed'.

"(31) Subchapter X of chapter 47 is amended—

"(A) by inserting the following new section after Section 923:

"'§ 923a. Article 123a. Making, drawing, or uttering check, draft, or order without sufficient funds

"'Any person subject to this chapter who—

"'(1) for the procurement of any article or thing of value, with intent to defraud; or

"'(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive makes, draws, utters, or delivers any check, draft or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment, shall be punished as a court-martial may direct. The making, drawing, uttering, or delivering by a maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control, is prima facie evidence of his intent to defraud or deceive and of his knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment. In this section the word "credit" means an arrangement or understanding, express or implied, with the bank or other depository for the payment of that check, draft or order.'; and

"(B) by inserting the following new item in the analysis:

"'§ 923a. Article 123a. Making, drawing, or uttering check, draft, or order without sufficient funds'

"(32) Section 934 is amended by striking the words 'general, special, or summary'.

"(33) Section 936 (a) is amended by striking clause (3) in its entirety and renumbering clauses (4)–(7) to become (3)–(6), respectively.

"SEC. 2. All offenses committed and all penalties, forfeitures, fines or liabilities incurred prior to the effective date of a provision of this Act under any law embraced in or modified, changed, or repealed by that provision may be prosecuted, punished, and enforced and action thereon may be completed, in the same manner and with the same effect as if that provision had not become law.

"SEC. 3. This Act becomes effective on the first day of the tenth month following the month in which it is enacted."

PART VI—SECTION-BY-SECTION ANALYSIS OF COMMITTEE BILL

Section 1(1)(A) amends the definition of "law officer" in article 1(10) to reflect the addition of the single-officer special courts-martial. Although the language is identical to AL section 1(1), the purpose is different; the amendment implements DOD section 1(4). See paragraph 1, part III, supra.

Section 1(1)(B) adds a clause (13) to article 1 defining "convening authority". It is identical to DOD section 1(1). See paragraph 1, part II, supra.

Section 1(2) amends article 10 to reflect repeal of provision for summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(3) amends article 12 to provide that members of the U.S. Armed Forces may be confined in U.S. confinement facilities with members of the armed forces of friendly foreign nations. It is identical to DOD section 1(2). See paragraph 2, part II, supra.

Sections 1(4)(A), (B), (C), and (D) amend article 15(a) to authorize a commanding officer exercising general court-martial jurisdiction to impose upon an officer of his command forfeiture of one-half of his pay per month for a period of 2 months. It also authorizes a commanding officer in the grade of major or lieutenant commander or above to impose upon an enlisted man of his command forfeiture of not more than one-half of 1 month's pay or confinement for not more than 7 consecutive days. It is identical to DOD section 1(3). See paragraph 3a, part II, supra.

Section 1(4)(E) amends article 15(b) to provide that regulations giving accused persons a right to refuse nonjudicial punishment and demand trial by court-martial shall require that trial be by single-officer special court-martial and that the punishment imposable by such court under these circumstances shall not exceed the present punishment authority of summary courts-martial. It is a necessary corollary of your committee's proposal to abolish summary courts-martial. See paragraph 3b, part II, supra.

Section 1(5)(A) amends article 16 to provide that a special court-martial shall consist of only a law officer if the accused, before the court is convened, so requests in writing. However, before he makes such a request, the accused is entitled to know the identity of the law officer and to have the advice of counsel. It is based upon DOD section 1(4) as modified by your committee. See paragraph 4, part II, supra.

Section 1(5)(B) repeals article 16(3) providing for summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(6) amends article 19 to repeal authority of special courts-martial to adjudge punitive discharges. It is based upon AL section 1(4). See paragraph 5, part III, supra.

Section 1(7) repeals article 20 establishing jurisdiction of summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(8) amends articles 22(b) and 23(b) to provide that, except for the President, a convening authority not subordinate in command or grade to the accuser shall be "competent authority" within the meaning thereof, and that a court may, in any case, be convened by superior competent authority when considered desirable by him. It is identical to DOD section 1(5). See paragraph 5, part II, supra.

Section 1(9) repeals article 24 providing for the convening of summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(10) amends article 25(a) to provide that the officer acting as a single-officer special court-martial must be a law officer detailed in accordance with article 26(a). It is based upon DOD section 1(6). See paragraph 6, part II, supra.

Section 1(11) amends article 26 to provide new qualifications for law officers; to delete authority for consultation between the law officer and general court-martial members outside the presence of accused and counsel; and to provide that law officers shall preside over general courts-martial. That portion amending article 26(a) is a committee proposal. See paragraph 2, part IV, supra. The portion amending article 26(b) is identical to AL section 1(7)(B) and that adding an article 26(c) is based upon AL section 1(7)(C). See paragraphs 9a and 9b, part III, supra.

Section 1(12) reflects the repeal of provision for summary courts-martial and extends the provisions of article 37 to include staff officers serving convening authorities and commanding officers. It is based upon DOD section 1(7). See paragraph 7, part II and paragraph 1, part IV, supra.

Section 1(13) amends article 38(a) to provide that general court-martial records of trial shall be prepared under the direction of the law officer. It is based upon AL section 1(11)(A). See paragraph 9c, part III, supra.

Section 1 (14) amends article 39 to reflect the deletion of authority for consultation between the law officer and general court-martial members outside the presence of accused and counsel. It is based upon AL section 1(12) (A) and (B). See paragraph 9a, part III, supra.

Section 1(15) amends article 40 to transfer the authority to grant continuances from general court-martial members to the law officer. It is based upon AL section 1(12a). See paragraph 9d, part III, supra.

Section 1(16)(A) amends article 41(a) to transfer the authority to rule on challenges from general court-martial members to the law officer. It is based upon AL section 1(12b). See paragraph 9e, part III, supra.

Section 1(16)(B) amends article 41(b) to provide that a single-officer special court-martial may be challenged only for cause. It is identical to DOD section 1(8). See paragraph 8, part II, supra.

Section 1(17) amends article 43 (b) and (c) to reflect the repeal of provision for summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(18) amends article 48 to transfer the power to punish for contempt from general court-martial members to the law officer. It is a committee proposal. See paragraph 8, part II, supra.

Section 1(19)(A) amends article 51(a) to reflect the transfer to the law officer of the authority to rule on challenges. It is

based upon AL sections 1(13) (A) and 1(13a). See paragraph 9e, part III, supra.

Section 1(19)(B) amends article 51(b) to provide that the law officer shall rule with finality on a motion for a finding of not guilty, and that if such a motion is granted, he may not later change that ruling. It is based upon DOD section 1(9) (A) and (B) and AL section 1(13)(B). See paragraph 9, part II, supra, and paragraph 12, part III, supra.

Section 1(19)(C) adds a new article 51 (d) to provide that single-officer special courts-martial shall determine all questions of law and fact arising during the trial, and if the accused is convicted, adjudge an appropriate sentence. It is identical to DOD section 1(9)(C). See paragraph 9, part II, supra.

Section 1(20) amends article 54 to provide that verbatim records of trial need not be provided for general courts-martial imposing "special courts-martial types of sentence" unless the accused, upon the advice of counsel, so requests. It is a committee modification of DOD section 1(10). See paragraph 10, part II, supra.

Section 1(21) amends article 57(a) to provide that an accused sentenced to death forfeits all pay and allowances and that the forfeiture may apply to all pay and allowances becoming due on or after the date the sentence is approved by the convening authority. It is identical to DOD section 1(11). See paragraph 11, part II, supra.

Section 1(20)(A) amends article 65 to require the convening authority, when he has taken final action, to send to the appropriate Judge Advocate General each record of trial in which the sentence, as approved by him, is more than that which could have been adjudged by a special court-martial. It is based upon DOD section 1(12)(A). See paragraph 12a, part II, supra.

Section 1(22)(B) deletes article 65(b) concerning review of special courts-martial adjudging punitive discharges. This is necessary because of the abolition of that sentencing power. It is identical to AL section 1(15)(A). See paragraph 5, part III, supra.

Section 1(22)(C) reletters article 65(c) to become article 65(b) and amends it to provide that Navy courts-martial not required to be reviewed in the Office of the Judge Advocate General, may be reviewed by persons who are not law specialists but are members of the bar. It is identical to DOD section 1(12)(C). See paragraph 12b, part II, supra.

Section 1(23)(A) amends article 66(a) to provide new qualifications for members of boards of review, requiring that such members be rated only by the Judge Advocate General and exempting them from statutory restrictions pertaining to the assignment of officers to Washington, D.C. It is a committee proposal engendered by AL section 1(16). See paragraph 14, part III, supra.

Section 1(23)(B) amends article 66(b) to provide that a record of trial, which would otherwise be reviewed by a board of review because the sentence includes a dishonorable or bad-conduct discharge or confinement for 1 year or more, need not be reviewed by a board of review if the accused pleaded guilty to each offense of which he was found guilty and if he stated in writing after the convening authority acted in his case that he does not desire review by a board of review. It is identical to DOD section 1(13). See paragraph 13a, part II, supra.

Sections 1(23)(C) and 1(24) amend articles 66(e) and 67(f), respectively, to authorize the Judge Advocate General to dismiss the charges whenever he finds a rehearing ordered by a board of review or COMA is impracticable. It is identical to DOD sections 1(13)(B) and 1(14). See paragraph 13b, part II, supra.

Section 1(25) amends article 69 to provide that every record forwarded to the Judge Advocate General under article 65, the appellate review for which is not otherwise provided by article 65 or 66, shall be examined in the Office of the Judge Advocate General. He may refer such a record to a board of review or he may take such action in the case as a board of review may take under article 66 (c) and (d). If the record is reviewed by a board of review, there will be no further review by COMA except under article 67(b)(2). The effect of this amendment is to require examination in the Office of the Judge Advocate General of those general court-martial records of trial in which the sentence includes a dishonorable or bad-conduct discharge or confinement for 1 year or more and which need not be reviewed by a board of review because the accused pleaded guilty and has waived such review. It is identical to DOD section 1(15). See paragraph 14, part II, supra.

Section 1(26) amends article 71 to provide that all portions of sentences of a court-martial may be ordered executed by the convening authority when approved by him, except that portion of the sentence involving death, dismissal, or dishonorable or bad-conduct discharge or affecting a general or flag officer. It describes those authorities which must approve a sentence before it may be executed. The parenthetical phrase "other than a general or flag officer" is omitted as surplusage in view of the express provision of article 71(a). It is identical to DOD section 1(16). See paragraph 15, part II, supra.

Section 1(27) amends article 72(a) to reflect the repeal of authority of special courts-martial to adjudge punitive discharges, and manifests the policy concerning general courts-martial adjudging "special courts-martial types of sentences." It is a committee proposal. See paragraph 12a, part II and paragraph 5, part III, supra.

Section 1(28) amends article 73 to extend the time within which the accused may petition for a new trial to 2 years from the date the convening authority approves the sentence, and to provide that COMA and the board of review may, in addition to determining whether a new trial in whole or in part should be granted, take appropriate action under article 66 or article 67, respectively. Further, the Judge Advocate General is authorized to grant a new trial in whole or in part, or to vacate or modify the findings and the sentence in whole or in part. It is identical to DOD section 1(17). See paragraph 16, part II, supra.

Section 1(29) amends article 76 to make the finality provisions therein specifically subject to action by the Boards for Correction of Military Records in order to remove any existing prohibitions against the authority of such boards to take full corrective action in court-martial cases, including the removal of the fact of conviction. It is a committee proposal. See paragraph 4, part IV, supra.

Section 1(30) amends article 95 to remove all distinction between confinement and custody. It is identical to DOD section 1(18). See paragraph 17, part II, supra.

Section 1(31) adds a new punitive article 123a specifically defining bad-check offenses. It is identical to DOD section 1(19). See paragraph 18, part II, supra.

Section 1(32) amends article 134 to reflect repeal of provision for summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 1(33) amends article 136(a) to reflect repeal of provision for summary courts-martial. It is a committee proposal. See paragraph 1, part IV, supra.

Section 2 provides a savings clause. It is identical to AL section 3. See paragraph 20, part III, supra.

Section 3 provides that these amendments become effective on the 1st day of the 10th month following the month in which enacted. It is identical to DOD section 2. See paragraph 19, part II, supra.

PART VII—HIGHLIGHTS OF COMMITTEE BILL

1. An accused is permitted to elect trial by single-officer special court-martial irrespective (except in time of war or national emergency) of whether the convening authority consents thereto (par. 4, pt. II, pp. 7–9).

2. The right of an accused person to receive a verbatim record of his general court-martial trial is retained, with the proviso that if he receives a "special court-martial type sentence" he must make a specific request in order to be entitled to such a record (par. 10, pt. II, pp. 13–15).

3. The power to adjudge punitive discharges is withdrawn from special courts-martial (par. 5, pt. III, pp. 29–32).

4. The authority of the law officer to consult with general court-martial members on the form of the findings without the presence of accused and counsel is terminated (par. 9a, pt. III, p. 35).

5. Specific provision is made for law officers to preside over general courts-martial and to control, direct and regulate their proceedings (par. 9b, pt. III, pp. 35–36).

6. Records of the proceedings of a general court-martial are required to be prepared under the direction of the law officer rather than general court-martial members (par. 9c, pt. III. p. 36).

7. Authority to rule on continuances is transferred from general court-martial members to the law officer (par. 9d, pt. III, p. 36).

8. Authority to rule on challenges is transferred from general court-martial members to the law officer (par. 9e, pt. III, p. 36).

9. Summary courts-martial are abolished (par. 1, pt. IV, pp. 47–49).

10. The Judge Advocates General are to rate members of boards of review for efficiency; officers serving on such boards must be of at least field grade or its equivalent with at least 5 years' standing at the bar; and such officers are exempted from statutory restrictions pertaining to the assignment of officers to Washington, D.C. (par. 14, pt. III, pp. 39–41).

11. Law officers are under the sole command of, and detailed by, the Judge Advocates General, and such officers must be of at least field grade or its equivalent with at least 5 years' standing at the bar (par. 2, pt. IV, pp. 49–51).

12. The Boards for Correction of Military Records are empowered to remove the fact of court-martial conviction in appropriate cases (par. 4, pt. IV, pp. 53–55).

13. Service regulations permitting an accused to refuse nonjudicial punishment and elect trial by court-martial must require that trial be by the single-officer special court-martial (par. 3b, pt. II, pp. 6–7).

14. Power to punish for contempt is transferred from general court-martial members to the law officer (par. 8, pt. II, p. 11).

FEDERAL FAIR ELECTION FINANCE ACT OF 1961

Mrs. NEUBERGER. Mr. President, I introduce for appropriate reference, a Federal fair election finance bill. This bill would provide for Federal contributions to the cost of political campaigns.

The Constitution establishes criteria for election to Federal office. Article I provides an age, citizenship, and residence requirement. Article VI states that no religious test ever be required as a qualification for holding office. At

no point does the Constitution require that, in order to hold Federal office, one must be rich. Yet, because of the cost of waging a political campaign, we are gradually approaching the time when only the wealthy can serve the Nation.

The figure used in any discussion of the cost of campaigning for a Senate seat is usually about $200,000 for an average State, and $1 million for a larger one. If a candidate is wealthy, much of the money may come from his own pocket, but if he is not, he must look to sources with funds available. It is not material whether such funds are obtained from labor or business—"He who pays the piper calls the tune."

Reliance on large campaign donations exerts an undue influence on a candidate who must seek a campaign contribution from a person or an organization with a special interest. It exercises an undue influence on the voter if he is denied an equal opportunity to see and judge competing candidates and hear their programs.

It is certainly true, Mr. President, that a well-informed electorate is able to choose its representatives wisely. The major provisions of my bill would permit a candidate with limited personal financial resources an opportunity to present the issues to the public.

I have had some figures prepared indicating the costs of radio and television coverage in certain States, as provided under the terms of this bill. I ask unanimous consent that they be printed at this point in my remarks.

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

Time charges on selected list of radio stations

City	Station	9 5-minute periods	15 1-minute spots	Total
CALIFORNIA				
San Diego	KFMB	$360	$330	$690
Los Angeles	KFI	864	1,350	2,214
San Francisco	KNBC	630	900	1,530
Fresno	KMJ	315	330	645
Chico	KPAY	135	188	323
Eureka	KDAN	90	120	210
Total				5,612
FLORIDA				
Jacksonville	WAPE	180	210	390
Miami	WGBS	360	525	885
Orlando	WDBO	135	165	300
Pensacola	WPFA	135	87	222
Tallahassee	WTAL	84	105	198
Total				1,986
ILLINOIS				
Chicago	WGN	637	1,620	2,257
St. Louis (Mo.)	KMO	720	1,200	1,920
Total				4,177
MASSACHUSETTS				
Boston	WBZ	720	1,050	1,770
Pittsfield	WBEC	144	120	264
Total				2,034
MINNESOTA				
Bemidji	KBUN	90	60	150
Duluth	KDAL	225	270	495
Hibbing	WMFG	65	90	155
Minneapolis	WCCO	720	1,200	1,920
Fargo (N. Dak.)	WDAY	315	255	570
Total				3,290
NEW YORK				
New York City	WNBC	1,575	2,160	3,735
Schenectady	WGY	450	675	1,125
NEW YORK—continued				
Rochester	WHAM	$495	$600	$1,095
Buffalo	WGR	513	540	1,053
Total				7,008
OREGON				
Bend	KGRL	100	90	190
Klamath Falls	KAGO	117	135	253
Portland	KEX	315	300	615
Grants Pass	KAJO	100	90	190
Boise (Idaho)	KGEM	117	135	252
Total				1,499
PENNSYLVANIA				
Harrisburg	WHP	270	270	540
Philadelphia	WCAU	945	1,050	1,995
Pittsburgh	KDKA	900	1,125	2,025
Scranton	WARM	335	375	710
Total				5,270
TEXAS				
Dallas	WFAA	945	1,125	2,079
San Antonio	WOAI	504	530	1,034
Beaumont	KFDM	180	153	333
Amarillo	KGNC	270	255	525
Odessa	KECK	171	173	344
El Paso	KROD	144	105	249
Monahans	KVKM	63	60	123
Total				4,687
VIRGINIA				
Richmond	WRNL	180	225	405
Norfolk	WTAR	270	330	600
Bristol	WCYB	162	255	417
Harrisonburg	WSVA	90	120	210
Arlington	WARL	84	112	196
Total				1,828

Time charges on selected list of television stations

City	Station	2 5-minute periods	1 10-minute period	10 1-minute spots	Total
CALIFORNIA					
San Diego	KFMB-TV	$600	$350	$2,600	$3,550
Los Angeles	KHJ-TV	1,100	650	4,500	6,250
Bakersfield	KBAK-TV	240	140	1,000	1,380
Fresno	KMJ-TV	420	245	2,000	2,665
San Francisco	KGO-TV	1,260	735	7,250	9,245
Chico-Redding	KVIP-TV	140	90	550	780
Total					28,370
FLORIDA					
Jacksonville	WFGA-TV	510	275	2,500	3,285
Tallahassee	WCTV	220	140	1,250	1,610
Orlando	WDBO-TV	300	210	1,200	1,710
Tampa	WFLA-TV	470	330	2,400	3,200
Palm Beach	WPTV	200	105	550	855
Miami	WCKT	540	310	3,000	3,850
Fort Myers	WINK-TV	120	70	460	650
Total					15,160
ILLINOIS					
Chicago	WNBQ	$2,250	$1,575	$6,000	$9,820
Rockford	WREX-TV	280	190	1,300	1,770
Rock Island	WHBF-TV	400	300	1,750	2,450
Peoria	WMBD	250	175	1,000	1,425
Springfield	WICS	200	140	800	1,140
St. Louis (Mo.)	KSD	1,000	700	4,000	5,700
Evansville (Ind.)	WTVW	260	180	1,150	1,590
Paducah (Ky.)	WPSD	240	180	1,000	1,420
Total					25,320
MASSACHUSETTS					
Boston	WHDH-TV	1,500	1,050	7,000	8,550
Springfield	WWLP	440	250	1,500	2,190
Worcester	WWOR	150	90	600	840
Total					11,580

Time charges on selected list of television stations—Continued

City	Station	2 5-minute periods	1 10-minute period	10 1-minute spots	Total
MINNESOTA					
Minneapolis	KSTP-TV	$1,050	$600	$4,500	$6,150
Rochester	KROC-TV	150	105	600	855
Alexandria	KCMT	175	125	700	1,000
Duluth	KDAL	330	210	1,500	2,040
Fargo (N. Dak.)	WDAY-TV	180	105	750	1,035
Sioux Falls (S. Dak.)	KELO-TV	400	230	1,750	2,380
Mankato	KEYC-TV	150	105	600	855
Total					14,315
NEW YORK					
New York City	WABC-TV	3,700	1,900	11,000	16,600
Albany	W-TEN	550	360	2,000	2,910
Binghamton	WINR-TV	150	105	480	735
Plattsburgh	WPTZ-TV	200	130	800	1,130
Utica	WKTV	275	190	1,400	1,765
Syracuse	WHEN-TV	640	360	3,000	4,000
Rochester	WROC-TV	450	315	2,200	2,965
Buffalo	WGR-TV	840	480	3,200	4,520
Carthage	WCNY-TV	150	105	600	855
Total					35,480
OREGON					
Portland	KGW-TV	680	380	3,150	4,210
Eugene	KEZI-TV	220	140	990	1,350
Medford	KBES-TV	180	90	700	970
Klamath Falls	KOTI	140	70	560	770
Boise (Idaho)	KBOI-TV	150	90	700	940
Yakima (Wash.)	4 stations	450	275	1,750	2,475
Total					10,715
PENNSYLVANIA					
Philadelphia	WFIL-TV	1,650	915	5,000	7,565
Lancaster	WGAL-TV	720	480	3,250	4,350
PENNSYLVANIA—cont.					
Johnstown	WFBG-TV	$440	$265	$2,200	$2,905
Pittsburgh	WIIC	1,050	600	5,000	6,650
Erie	WICU-TV	600	375	1,800	2,775
Scranton	WDAU-TV	300	210	1,350	1,860
Total					26,105
TEXAS					
Dallas	KRLD-TV	830	455	3,500	4,785
Waco	KCEN-TV	200	140	800	1,140
Austin	KTBC-TV	250	170	1,200	1,620
San Antonio	KONO-TV	420	280	1,900	2,600
Houston	KPRC-TV	780	450	3,500	4,730
Laredo	KGNS-TV	120	70	500	690
Tyler	KLTV	180	120	600	900
Abilene	KRBC-TV	130	90	480	700
Lubbock	KDUB-TV	240	140	1,000	1,380
Wichita Falls	KFDX-TV	240	160	1,000	1,400
Amarillo	KGNC-TV	200	110	950	1,260
San Angelo	KCTV	120	90	420	630
Monahans	KVKM-TV	110	70	400	580
El Paso	KELP-TV	240	140	900	1,280
Weslaco	KGBT-TV	205	125	660	990
Total					24,685
VIRGINIA					
Bristol	WCYB-TV	210	125	875	1,210
Roanoke	WDBJ-TV	450	245	2,000	2,695
Norfolk	WTAR-TV	460	275	2,200	2,935
Richmond	WRVA-TV	450	265	1,600	2,315
Harrisonburg	WSVA-TV	160	90	700	950
Washington (D.C.)	WRC-TV	625	425	4,250	5,260
Total					15,365

Mrs. NEUBERGER. Even a cursory glance at these figures will demonstrate clearly the financial problem that any candidate must face in an effort to reach the voters of his district.

This bill, Mr. President, would also provide funds for campaign mailings. There are many urban congressional districts where, even with a Federal contribution of up to half the cost of radio and television time, such a campaign expenditure is not economically feasible. Candidates in these districts may want to take advantage of direct mail as the most efficient method to explain the issues to the voters. This measure would help them do this.

Title II of this bill provides Federal assistance in the preparation, printing, delivery, and distribution of State voters' pamphlets. Such a publication must be issued by, or under the control and supervision of, an agency of a State. It must be distributed free of cost to every registered voter in the State. And, it must make available information or space for presenting statements of program or support about all candidates for the same office on equal terms and under equal conditions. We have a voters' pamphlet in Oregon. It is a valuable friend to the voter.

Finally, the bill would provide for an income tax credit of up to $10 for any taxable year equal to contributions made to a National or State political party. I hope that this provision would serve to broaden the base of political campaign contributions and thereby reduce a candidate's reliance on a few contributors of large sums.

Mr. President, I am delighted to announce that the following Senators have joined with me as cosponsors of this legislation: Senators PAUL DOUGLAS, Democrat, of Illinois; JOSEPH CLARK, Democrat, of Pennsylvania; ERNEST GRUENING, Democrat, of Alaska; and WAYNE MORSE, Democrat, of Oregon.

I ask unanimous consent that the text of this bill appear at the conclusion of my remarks in the RECORD.

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

The bill (S. 1555) to provide for Federal contribution to the cost of election campaign of candidates for Federal offices, conditioned upon effective control and publication of other sources of financing such campaigns; to encourage small individual campaign contributions and to reduce the importance of large contributions in Federal elections; to provide Federal financial assistance for State voters and campaign pamphlets; and for other purposes; introduced by Mrs. NEUBERGER (for herself, Mr. DOUGLAS, Mr. CLARK, and Mr. MORSE), 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 this Act may be cited as the "Federal Fair Election Finance Act of 1961".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. Congress finds that it is in the national interest that voters in elections for Federal offices should have opportunities to judge competing candidates and their programs on fair and equal terms before choosing among them, and that the dominant importance of large, private campaign contributions should be eliminated from such Federal elections.

Free and untrammeled representation of the public interest is possible only when men and women in high Federal office are not indebted for large financial campaign gifts to private donors who feel a special interest in Federal legislation and policies.

Substantial inequality among candidates, with respect to campaign financing, imperils the democratic premises of free and informed choices by the citizen, particularly in an era when access to the most compelling media of public information is increasingly decisive and costly.

Government contributions to the essential costs of major election campaigns as recommended in 1907 by the then President of the United States, in direct partial assumption of certain costs and in tax incentives for small, individual contributions, offer the most effective means to assure citizens of exercising their choice of government on fair and equal terms, to prevent private persons and groups of great wealth from unduly influencing the conditions of that choice, and to eliminate the undesirable and undemocratic significance of candidates' dependence on large, private campaign gifts.

DEFINITIONS

SEC. 3. As used in this Act, unless the context otherwise indicates:

(1) The term "candidate" means a person who has met qualifications necessary to have his name presented on the ballot in any election for nomination for, or election to, a Federal elective office, and who is legally qualified to serve if elected; but only while the person remains eligible for the election in question, and provided he does not publicly deny or withdraw his candidacy.

(2) The term "election" means a regular, special, general, or primary election for Federal elective office, with respect to which the names of two or more candidates for nomination or election to the office have been and remain qualified for presentation on the ballot, and including the election of a slate of presidential electors by votes cast for the names of candidates for President and Vice President and including a presidential

preference primary, but does not include a convention of a political party or a caucus held for the purpose of nominating candidates, or the vote of the electoral college.

(3) The term "Federal elective office" means the offices of President or Vice President, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(4) The term "financial agent" means a campaign manager, party official, committee chairman, treasurer, or any other individual publicly designated by the candidate as his authorized agent with responsibility, along with the candidate, for all financial arrangements, receipts, disbursements, reports, certificates, accounts, and other transactions of the candidate's election campaign.

(5) The term "Director" means the Director of Election Finance provided for by title III of this Act.

(6) The term "State" includes also any Territory, District, Commonwealth, or other area in which an election may take place.

(7) Terms defined in the Federal Corrupt Practices Act, 1925, shall have the meaning assigned to them in that Act.

TITLE I—FEDERAL CONTRIBUTION TO ELECTION FINANCE

Election Finance Fund

SEC. 101. The Director of Election Finance is authorized to make payments toward meeting election campaign expenses incurred by or on behalf of any candidate in an election in the manner and subject to the conditions hereinafter set forth. For this purpose there shall be established in the Treasury an Election Finance Fund, administered by the Director, to which appropriations shall be made for disbursements under the authority of this Act.

Federal contribution to broadcast time

SEC. 102. (a) Upon application by or on behalf of a candidate in an election, accompanied by duly authenticated bills or vouchers, the Director is authorized to pay to licensees under the Communications Act of 1934 one-half of the cost of broadcast time purchased for use in the candidate's election campaign, not exceeding a total of thirty minutes on radio and a total of fifteen minutes on television in a primary election campaign, and not exceeding a total of sixty minutes on radio and a total of thirty minutes on television in a general election campaign, over each of such facilities or combinations of facilities as may be necessary to cover the State or congressional district within which the candidate is seeking election. The selection of broadcast facilities, times, and materials shall remain completely beyond any control, interference, or influence of the Director.

(b) To qualify for a Federal contribution to broadcast time under this section, the application shall certify, in addition to compliance with the other conditions required under this Act, that there will not be purchased or used in the candidate's election campaign, in his name, with his participation, or by any person, committee, or organization associated with his campaign or under his control, additional broadcast time more than equal to the maximum total amounts of broadcast time for which Federal contribution is allowable under subsection (a) hereof.

Federal contribution to general expenditures formula

SEC. 103. (a) Upon application by or on behalf of a candidate in an election, accompanied by duly authenticated bills or vouchers, the Director is authorized to make payments for expenses incurred in the candidate's election campaign, in a total amount not exceeding 5 cents multiplied by the average vote in the State or congressional district for the contested office, as determined under subsection (b) hereof. The objects of such payments may include, but are not limited to, expenditures for printing or other reproduction of campaign materials, films and recordings, advertising space or facilities, broadcast time, office rent, equipment and supplies, postage, telephone service and telegrams, and the candidate's own transportation, hotel, and other travel expenses; but they shall not include payments to any individual for personal political activities. Payments may be made directly on the bills or vouchers submitted or, if these have already been paid from other campaign funds, by reimbursement to the candidate's financial agent.

(b) For every contested election for which a request for Federal contribution has been made, the Director shall determine and declare the average vote, for the purposes of this section, in accordance with the first applicable of the following computations—

(1) the average of the total vote cast in each of the last two elections for all candidates for the same nomination for, or for election to, the office;

(2) if there has been only one prior such election, the total vote then cast for all such candidates; and

(3) if there has been no prior election for the same nomination for, or for election to, the office or if the boundaries of the district the office represents have been changed since the last election, the number of voters registered or otherwise actually eligible to vote in the particular contested election for which the request is made.

In presidential elections, including preference primaries, each person voting shall be considered to have cast a single vote for a candidate for President, irrespective of the number of electors or delegates to be elected.

(c) Payments under this section shall be made currently as bills or vouchers for expenditures in a candidate's election campaign are submitted, accompanied by all necessary certificates in compliance with conditions and regulations under this Act, and verified; but not more than two-thirds of the total amount of Federal contribution to a candidate's election campaign allowable under this section shall be paid prior to the election. The balance shall be payable only upon completion and review of all reports required by law or regulation concerning election finances, and upon a determination by the Director of compliance with all requirements and conditions under this Act.

Federal contribution to campaign correspondence

SEC. 104. (a) Upon application by or on behalf of a candidate for an election, the Director shall make available to such candidate a number of envelopes to be used for campaign correspondence. The number of envelopes shall be determined by the Director in accordance with the provisions of subsection (b) of the previous section. Said envelopes, together with correspondence admissible to the mails as ordinary mail and not exceeding four (4) ounces in weight, shall be sent free through the mails. The Director shall pay one-half the cost of purchasing and printing said envelopes from the Election Finance Fund, and the candidate, or his financial agent, shall pay the other half of said cost.

(b) Payments under this section shall be made pursuant to regulations determined by the Director.

General conditions for Federal contributions

SEC. 105. (a) Any application for a Federal contribution under this title shall be accompanied by—

(1) designation by the candidate of a financial agent within the State or congressional district;

(2) a certificate that there will not be expended in the candidate's election campaign by the candidate, with his participation or consent, by his financial agent, or by any person, committee or organization associated with his campaign or under his control, funds from private sources in a total amount more than equal to the maximum total amount of the Federal contribution allowable under the provisions of this title;

(3) a certificate that there has not been and will not be accepted or used in the candidate's election campaign by the candidate, by his financial agent, or by any person, committee, or organization associated with his campaign or under his control, any gift, loan, or other contribution of money or property, exceeding $100 from any individual;

(4) a bond in an amount equal to one-half the amount of Federal contribution under this title for which application is made, payable to the United States and conditioned upon the candidate's receiving in the election not less than 10 per centum of the total number of votes cast for all candidates for the same nomination for, or for election to, the office;

(5) a certificate that within thirty days after the election there will be filed with the Office of Election Finance a complete and accurate report showing compliance with applicable law and regulations and containing an account, in such detail as the Director may by regulation prescribe, of all contributions, both Federal and private, and all expenditures made in the candidate's election campaign;

and payment of any Federal contribution shall be conditional upon compliance with the certificates submitted.

(b) Applications for Federal contribution may be signed either by the candidate or by his financial agent. All certificates, reports, affidavits, or other undertakings or statements of fact which may be required under this Act shall be signed by the candidate's financial agent and by the candidate, except that the signature of candidates for President or Vice President shall not be required.

SEC. 106. Upon a determination by the Director that there has occurred, in a candidate's election campaign for which Federal contribution has been allowed under this title, any expenditure or contribution from private sources in excess of the limits required to be certified under section 102(b), 104(a)(2), or 104(a)(3) hereof, the total allowable amount of Federal contribution shall be reduced by the amount of the excess expenditure or contribution. The United States shall be entitled to recover from the candidate or from his financial agent the amount of any Federal contribution already paid in excess of the amount remaining allowable under this section, with court costs, in a civil suit brought by the Director in any court of competent jurisdiction.

TITLE II—STATE VOTERS' PAMPHLETS—FEDERAL CONTRIBUTION

SEC. 201. (a) There are authorized to be appropriated, to be expended as provided in this section, such amounts as may be necessary to pay one-half the net cost incurred by any State in preparing, printing, delivering, and distributing to each registered voter State voters' pamphlets for any election at which candidates for any Federal office are to be nominated or elected.

(b) To qualify for a Federal contribution under this section, a State voters' pamphlet must be found by the Director to—

(1) be an official publication issued by or under the control and supervision of, and in the name of, an agency of a State;

(2) be distributed free of cost to every registered voter in the State; and

(3) make available information about, or space for presenting statements of program or of support, pictures or other election campaign information about, all candidates for the same office on equal terms and under equal conditions.

SEC. 202. (a) The Director of Election Finance shall make annual estimates of the

amounts to be paid to any State under this title, based on reports filed by the highest State official responsible for the State voters' pamphlet and containing his estimates of the net cost required to be incurred for such pamphlets during the next year, and shall certify such amounts to the Secretary of the Treasury.

(b) The Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to each State the amounts certified to him by the Director to be necessary for the purpose of carrying out the provisions of this title, subject to the conditions that the use of such amounts shall be properly accounted for, and any part of such amounts not needed shall be returned to the Secretary of the Treasury.

SEC. 203. Official State voters' pamphlets referred to in this section, when designated as such by the responsible State agency, shall be free of postage, whether transmitted individually or in bulk, in the United States mails.

TITLE III—OFFICE OF ELECTION FINANCE—AUTHORITY AND GENERAL PROVISIONS

Office and personnel

SEC. 301. There is created an establishment of the Government to be known as the Office of Election Finance, independent of the executive branch of the Government.

SEC. 302. (a) The Office of Election Finance shall be under the control and direction of a Director of Election Finance, assisted by a Deputy Director of Election Finance, both of whom shall be appointed by the President, by and with the advice of the Senate, and who shall receive basic compensation at the rate of $22,500 and $20,500, respectively.

(b) The Deputy Director of Election Finance shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the Director, or during a vacancy in that Office, shall act as Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of, or during a vacancy in the offices of, both the Director and the Deputy Director.

SEC. 303. (a) Except as hereinafter provided in this section, the Director and the Deputy Director shall hold office for fifteen years and shall not be eligible for reappointment. The Director or the Deputy Director may be removed at any time by concurrent resolution of Congress, after notice and hearing, when in the judgment of Congress, the Director or Deputy Director has become permanently incapacitated or has been inefficient or guilty of neglect of duty or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Director or Deputy Director removed in the manner provided in this section shall be ineligible for reappointment to that Office. When a Director or Deputy Director attains the age of seventy years, he shall be retired from his Office.

(b) Any Director who shall be so retired for age after serving at least ten years in his Office, or who completes his term, shall receive an annuity during the remainder of his life equal to two-thirds of the salary payable for his Office at the time of retirement or completion of term, except that the annuity of any Director who completes his term shall be reduced by one-fourth of 1 per centum for each full month he is under the age of sixty-five at such completion. Any Director who becomes permanently disabled from performing his duties shall be retired and shall receive an annuity during the remainder of his life equal to two-thirds of the salary payable for his Office at the time of retirement if he has served at least ten years therein or equal to one-half of such salary if he has served less than ten years. The annuities provided for herein shall be paid by the Office of Election Finance. No person receiving benefits under this section shall receive any other retirement benefits under any other law of the United States.

SEC. 304. The Director shall, in accordance with the civil service laws and the Classification Act of 1949, as amended, appoint and fix the compensation of such other officers and employees as may be necessary to carry out the provisions of this Act.

SEC. 305. All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the Office of Election Finance. Books or records of account or minutes of proceedings of the Office, and properly authenticated copies or transcripts of any books, records, papers, or documents of the Office, shall be admitted as evidence with the same effect as the books, records, and minutes and the copies and transcripts referred to in section 1733 of title 28, United States Code.

Regulations, enforcement, and penalties

SEC. 306. The Director is authorized to promulgate such regulations as he finds necessary to carry out the provisions of this Act; and he may issue official schedules and forms for filing applications, certificates, affidavits, proof of election campaign contributions, receipts, expenditures, or other transactions, reports, accounts, bonds, or other documents which may be required by law or by regulations hereunder.

SEC. 307. All regulations, rules, orders, or determinations under this Act shall be made, and shall be judicially reviewable, in accordance with the provisions of the Administrative Procedure Act.

Investigations and reports

SEC. 308. The Office of Election Finance shall make from time to time thorough audits and field investigations with respect to election campaign contributions and expenditures to which this Act or the Federal Corrupt Practices Act, 1925, is applicable, to statements filed under the provisions of these Acts, and to alleged failure to file any statement required under the provisions of these Acts. On the request of the Director of Election Finance, the Federal Bureau of Investigation, with the consent of the Attorney General, and the General Accounting Office, with the consent of the Comptroller General, are authorized to render such assistance as the Director may require in any instance to carry out an audit or investigation under this section in a complete and effective manner.

SEC. 309. The Director shall make an annual general report, and from time to time such particular reports as may be appropriate, all of which shall be public, concerning operations under this Act, to the Secretary of the Senate and the Clerk of the House of Representatives, and, in instances involving possible violation of law, to the Attorney General.

Penalties or enforcement

SEC. 310. (a) No candidate, financial agent, or other person shall apply for or use any part of any funds which may be obtained under this Act in the form of a Federal contribution or private contributions entitled to Federal tax credit, except in compliance with all applicable regulations, certificates, and other conditions required under this Act. Violation of this section by any person, committee, or organization associated with a candidate's campaign with his consent, or under his control, shall also be a violation by the candidate's financial agent and by the candidate, with the exception of candidates for President or Vice President.

(b) Any violation of this section, including the filing of any false certificate, report, account, or other statement concerning a candidate's election finance required by law or regulation, or the failure to file any such statement so required, shall be punishable by a fine of not more than $5,000 or imprisonment for not more than two years, or both.

SEC. 311. Federal contributions to a candidate's election campaign expenses under title I of this Act shall not be considered for the purpose of limitations on campaign contributions fixed in the Federal Corrupt Practices Act, 1925.

Appropriations

SEC. 312. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

TITLE IV—INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

Amendments to Internal Revenue Code of 1954

SEC. 401. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 38 as 39, and by inserting after section 37 the following new section:

"SEC. 38. CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.

"(a) GENERAL RULE.—In the case of an individual over eighteen years of age, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount, up to a maximum of $10, equal to any contributions of money made by the individual to a National or State organization which is recognized under the laws of any State as a political party for the purpose of nominating candidates for presentation on an election ballot in any State, or to a candidate or a candidate's financial agent as such terms are defined in section 3 of the Fair Election Finance Act of 1961.

"(b) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 34 (relating to credit for dividends received by individuals), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income).

"(2) VERIFICATION.—The credit under subsection (a) shall be allowed, with respect to any political contribution, only if the taxpayer submits with his return for the taxable year a receipt or other verification prescribed by the Director of Election Finance under section 403 of the Federal Fair Election Finance Act and which for purposes of this title shall be considered a part of the taxpayer's return for the taxable year.

"(c) CROSS REFERENCE.—

"For disallowance of credit to estates and trusts, see section 642(a)(4)."

(b) The table of sections for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 38. Overpayments of tax."

and inserting in lieu thereof

"Sec. 38. Contributions to political parties and candidates.

"Sec. 39. Overpayments of tax."

(c) Section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

"(4) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit 'against tax for political' contributions provided by section 38."

SEC. 402. The amendments to the Internal Revenue Code of 1954 made by this title shall apply to taxable years ending on or after the date of the enactment of this Act,

but only with respect to contributions made on or after such date.

SEC. 403. (a) The Director of Election Finance shall, after consultation with the Secretary of the Treasury, prepare, prescribe, and issue a form or forms of receipt or other verification of individual political contribution qualifying for tax credit under section 38 of Internal Revenue Code of 1954 (as added by section 401 of this Act) which will conveniently and inexpensively—

(1) assure that tax credit for a contribution may only be claimed by and allowed to the actual contributor, and protect against transfer of the privilege of tax credit to a person other than the actual contributor;

(2) facilitate the verification requirements prescribed by section 38 of the Internal Revenue Code of 1954 (as added by section 401 of this Act); and

(3) provide a record by which recipients can account for and report contributions for which tax credit may be claimed by the contributor.

(b) The Director of Election Finance and the Secretary of the Treasury shall publish annually a joint report stating as accurately as may be practicable, based upon available records, reports of recipients of political contributions, and estimates, the total amount of contributions made for which tax credit could be claimed, and the total amount of tax credit so claimed and allowed under the provisions of this title.

RETURN OF 1 PERCENT OF FEDERAL INCOME TAX RECEIPTS TO STATES FOR THEIR EDUCATION FUND

Mr. CASE of South Dakota. Madam President, I introduce a bill to authorize setting aside and returning to the States for elementary and secondary education on a per capita pupil basis 1 percent of the amount collected nationally by income taxes, corporate and personal.

This measure, Mr. President, would afford relief to the general property taxpayer, would provide funds to carry on and improve elementary and secondary education in every State, yet would close the door to Federal control.

This purpose is accomplished by these features:

First. Return to the States would be on a pure per capita pupil basis.

Second. The only requirement would be certification by the State that the money is used for elementary and secondary education.

Third. The determination by the State would not be subject to review by any Federal officer, employee, or court. Malfeasance in handling of the funds within the State would, like the handling of any other State funds, be subject to the criminal processes of the State.

Fourth. The measure itself would also carry on express prohibition against Federal control or intervention in the use of the funds; but the very nature of the method of apportionment—the ratio that the number of pupils of school age bears to the Federal pupil total—would itself preclude any direction or control of the manner or method in which the funds are expended for education within the State.

Under this proposal, the function of the Federal Government in the matter would be purely ministerial. Not a single additional Federal employee would be required.

Once the total of the income tax revenue were determined, the computation of the funds available for distribution would merely be a matter of placing a decimal point. That would be done in the Appropriations Committees of the Congress using the figures already available in the Treasury Department.

The money would then be sent to each State in an amount equal to the national dollar-per-pupil figure multiplied by the number of school-age children residing in a given State.

Mr. President, there is involved in this proposal no complex formula attempting to send more than proportional money to the less wealthy States; yet it is obvious that the equities in the collection would rest upon the equities in the Federal income-tax law, and the equities in the distribution would rest upon the number of children of school age.

There would be no attempt to measure a State's need in terms of its income; no need to determine whether it is a high- or low-income State.

By the method I propose, the State's need for and entitlement to education funds would be found automatically; the more school-age children the State had, the more money it would require and hence receive.

Other aid to education proposals built around an income tax refund have been advanced in Congress; but for them to be effective, States or localities would have to increase their present taxes in order to obtain the money refunded or not taxed by the Federal Government.

That is, if a person were to deduct from his Federal income tax for a second time the amount of money he paid in local or State school taxes, as some propose, his locality or State would then have to impose an additional tax to obtain the money not collected by the Federal Government. This would be necessary to increase support for education.

Such proposals, of themselves, would only reduce the Federal income tax. They are not proposals that of themselves would provide any aid whatever to education. Local property taxes and/or some personal or corporation taxes would have to be increased subsequent to the effecting of such measures if education were to benefit. Or, in some cases, as in South Dakota, a State income tax would have to be enacted.

This measure which I suggest would require no special local taxes and no new Federal tax to be effective. Neither would it require any new governmental establishment, new agency, or new device for its administration.

The Federal Government would simply distribute to the States on a per capita pupil basis 1 percent of the money it collects through income taxes, corporate and personal, this money to be used for elementary and secondary education by the State agencies.

In 1962 the amount so distributed would be an estimated $664 million. That averages out at approximately $15 per pupil.

The Federal Government would utilize its existing tax mechanism to obtain money for education without disproportionately increasing the burden now borne by the already overtaxed property owner. By this plan all individual income-tax payers, some of whom now contribute relatively little to the support of education, would help to meet a national need.

By this plan the incomes of corporations would contribute to the education of the children of the families who provide the corporations with their profits.

Mr. President, I offer this proposal as a fair, effective, easily administered, and uncomplicated method to provide the elementary and secondary schools of the Nation with the support they need in the national interest.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The bill will be received and appropriately referred.

The bill (S. 1556) to authorize return to the States on a per capita pupil basis for elementary and secondary education 1 percent of the Federal income taxes, individual and corporate, collected nationally during the preceding fiscal year, introduced by Mr. CASE of South Dakota, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

UNDERGROUND WATER ACT OF 1961

Mr. HICKEY. Madam President, on behalf of my senior colleague from Wyoming [Mr. MCGEE] and myself, I introduce, for appropriate reference, a bill to provide for the production of underground water on the public lands. This bill has been drafted in response to the suggestions of the Wyoming Natural Resource Board and others interested in the conservation of resources and the multiple use of the public lands.

Every year, thousands of oil and gas wells are drilled on the public lands. The greatest majority of these are "dry holes," as is said in the oil industry. Actually, many of them are not dry, because they are capable of producing water; but the water potential has not been exploited, because the financing and the administration of potential water wells have been lacking. The bill I am introducing is designed to fill this gap.

In essence, the bill will do two things: First, it provides notice to the surface owner, if he is a private individual, that a well capable of producing water has been drilled on land, the surface rights to which he owns; and it authorizes negotiations between the oil operator and the surface owner if the surface owner desires to acquire the casing needed to produce water; second, in the case of public lands, the bill authorizes the Secretary of the Interior to buy the well casing, install such other equipment as is needed, and then contract for the sale of the water, at rates calculated to cover costs and recover the Government's investment.

I ask unanimous consent that the bill be allowed to lie at the desk through Monday, April 17, for additional sponsors. I also ask unanimous consent that a copy of the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. 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, as requested by the Senator from Wyoming.

The bill (S. 1559) to provide for the production of underground water on the public lands, introduced by Mr. HICKEY (for himself and Mr. MCGEE), 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 this Act may be cited as the Underground Water Act of 1961.

SEC. 2. The Mineral Leasing Act of February 25, 1920 (41 Stat. 443), as amended, is hereby amended by adding a new section to read as follows:

"SEC. 43. (a) Whenever a lessee of an oil and gas lease issued under the Mineral Leasing Act is preparing to abandon any test which is capable, or which appears capable, of producing water in sufficient quantity to be put to beneficial use, he shall advise the Secretary of the Interior. Such well shall not be abandoned or any action taken which would destroy or endanger its potential of producing water until — days shall have passed.

"(b) If the test is located upon a lease the surface rights of which are owned by a person, association or corporation, the Secretary of the Interior shall immediately notify such surface owner that the test appears capable of producing water for beneficial use. If, within ten days from the date of such notice, the surface owner applies to the lessee for the purchase of casing and other equipment placed in the test at the expense of the lessee, the lessee shall sell to the surface owner at cost such casing and other equipment. In any dispute as to the cost the Secretary of the Interior shall determine such cost and such findings shall be binding upon both parties.

"(c) If any test is located upon land the surface title of which rests with the United States and the Secretary of the Interior finds that it is in the public interest to acquire such a water supply, he is hereby authorized to purchase such casing and other equipment from the lessee.

"(d) Whenever the Secretary acquires such test, its casing and other equipment, he is hereby authorized to install such other equipment as is necessary to produce water economically. The Secretary of the Interior is further authorized to contract to sell such water to any person, association or corporation or to any legal entity created by the State or to any department or agency of the United States at a rate calculated to cover the costs of operation and maintenance and to provide for the return of the capital investment within twenty years including the interest thereon, which interest shall be the average rate of interest obtaining on Government securities of the maturities most nearly approximating the duration of such contract. After the recovery of the initial investment the Secretary shall first offer to contract with the original party for further delivery at such rate as to cover operation and maintenance and depreciation before contracting with any other party.

"(e) With respect to a test heretofore drilled, the Secretary of the Interior may, if he finds reason to believe that such test is capable of producing water which may be put to beneficial use and he finds that it is in the public interest to do so, may install such equipment as may be necessary to produce water economically and contract to sell water as provided in subsection (d).

"(f) With respect to a test heretofore drilled on land the surface title of which resides in a person, association, or corporation, such owner may apply to the Secretary of the Interior within one year from the effective date of this Act, to determine to what extent, if any, such test may reasonably be expected to produce water. Upon notification by the Secretary that there is reason to believe that the test will produce water, the owner of the surface may, within one year, install such equipment as he finds necessary to produce water economically.

"(g) It having been established that a test can produce water which may be put to beneficial use, the Secretary of the Interior is hereby authorized to drill and equip such offsetting wells as the demand for such water, as evidenced by contracts for its purchase, would justify, such water to be supplied upon the terms set forth in subsection (d).

"(h) As used in this section beneficial use shall include but not be limited to the supplying of water for: irrigation, stockwatering, domestic consumption, industrial consumption, and municipal use.

"(i) All water produced under this section shall be produced in conformity with the State laws heretofore or hereafter enacted to provide for the regulation of underground water. If no such State underground water law exists, the Secretary of the Interior is hereby authorized to promulgate and enforce such regulations as will insure the proper conservation of the underground water supply.

"(j) As used in this section 'test' means any hole drilled in whatever manner to discover oil or gas or any hole drilled in whatever manner to establish further production of oil or gas."

SEC. 3. The provisions of this Act shall become effective ninety days from the enactment of this Act.

FINANCIAL ASSISTANCE TO PUBLIC COMMUNITY COLLEGES

Mr. SMITH of Massachusetts. Madam President, on behalf of myself and Senator HICKEY, Mr. METCALF, Mrs. NEUBERGER, Mr. BARTLETT, Mr. LONG of Missouri, and Mr. MOSS, I introduce, for appropriate reference, a bill to amend the National Defense Education Act to provide financial assistance to public community colleges for strengthening science, mathematics, modern foreign language, and technical instruction.

Of the 400 public community colleges in the United States today, some 120, serving approximately 135,000 students, receive no support from the National Defense Education Act. These colleges are the fastest growing form of higher education in this country. At a time when the United States needs, more than ever before, facilities for higher education, these colleges are expanding rapidly to fill this educational gap.

They give college-level education to many thousands of people who can afford only 2 years of college, or whose educational requirements are not satisfied by a typical liberal-arts program. They provide college-level technical training and retraining to help relieve the country's dire problem of long-term, technological unemployment. They do so at less expense to the students, because they can live at home; and at less expense to the States, who do not have to provide living, eating, sports, and other facilities. These colleges are prevented, however, by certain limitations in the National Defense Education Act from making their fullest contributions to the educational needs of our country.

Under titles III and VIII of the act, a community college must be a part of the State's secondary school system or must give courses that are of "less than college grade" level, in order to qualify for aid. This requirement excludes colleges that are institutions of higher education from receiving help in connection with their work in the vital fields of science, languages, mathematics, and vocational training. It also makes it difficult for the National Defense Education Act to serve the purposes for which it was enacted.

Title VIII, for instance, specifies that its funds are meant for the training of "highly skilled technicians." Then it states that the programs receiving these funds must be of "less than college grade." Courses of that level may be suitable for preliminary training; but, for the electronic age, we need to help specialists obtain training at least of college caliber.

The same is true in regard to the fields of science, languages, and mathematics. The standards of education in all these fields are rising steadily. Institutions of higher education must do their part to fill the country's needs in these fields.

My bill will help public community colleges that are institutions of higher education, by providing them with funds for the acquisition of equipment for instruction in the areas under titles III and VIII. They are now excluded from such assistance. In order to participate, each State must match, on an equal basis, the funds it receives from the Federal Government, must set up machinery for the administration of the program, and must submit to the Commissioner of Education, plans for the expenditure of the funds.

In my own State of Massachusetts, there are five public community colleges with an enrollment of over 1,200 students. They represent the beginning of a system of 11 such colleges which by 1971 will be serving 15,000 students. The first State-sponsored public community college opened last fall in Pittsfield; and three more will be ready this September in Boston, Haverhill, and Hyannis. They are part of the excellent program on which the State has embarked, in order to make higher education geographically accessible, at minimum cost to everyone in Massachusetts who can profit from it.

Under this bill, these colleges and others throughout the Nation will be able to make equal contributions to the country's growing educational demands upon institutions of higher education. The country will, in turn, receive the benefits of an increased supply of trained workers who will have received the higher education that is needed today.

I ask unanimous consent that the bill be held at the desk through Friday, for additional sponsors.

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 Massachusetts.

The bill (S. 1562) to amend the National Defense Education Act of 1958 in order to provide financial assistance to public community colleges for strengthening science, mathematics, modern foreign language, and technical instruction, introduced by Mr. SMITH of Massachusetts (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

FREEDOM OF INFORMATION

Mr. CARROLL. Madam President, for myself and the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], and the Senator from Wisconsin [Mr. PROXMIRE], I introduce a bill to amend section 3 of the Administrative Procedure Act of 1946.

This is a freedom of information bill, the latest in a long series of efforts to increase the public's right to know what is going on in the Federal Government.

My objective in introducing this bill is threefold. It is to make access to information in Government agencies and bureaus freer to, first, the public; second, the executive branch; and, third, the Congress.

The journalists of the United States are not the only persons who have difficulty in ferreting information out of certain reluctant agencies of the Government. The committees of the Congress and the Comptroller General of the United States have encountered obstacles almost of equal magnitude in their attempts to throw the spotlight of public opinion on waste, delay, and bad judgment in Government agencies.

Tremendous sums of the American people's money are being spent by the Government agencies. This is a trust that should be open to ready and constant review by the taxpayers and their elected representatives in the executive and legislative branches.

In the regulatory agencies alone, which sit on top of billions of consumer dollars in transportation, power, fuel, securities, communications and trade, information of agency actions in which the public has a stake has become tighter and tighter. This bill will help open access to this information.

One aspect of this program that interests me deeply is the opportunity, through greater freedom of information to effect economies in Federal Government. With our national needs growing each year and our fiscal budget expanding to meet them, it is imperative that we have full access to the manner in which our dollars are being spent. When the Congress and the people know how the dollars are spent, they can judge whether those dollars are being spent with maximum effectiveness and value. But when even the Comptroller General of the United States—as in the several recent investigations of foreign economic and military aid expenditures—is denied information on how taxpayer dollars are spent, how can watchdogs of the public purse properly function?

The great strength of a democracy is that it does not operate behind closed doors.

A freedom of information bill will help the executive branch function better, it will give Congress an opportunity to know how efficiently the budgeted dollar is being spent, it will give the American news media a chance to report fully to the American people on the state of their Federal Government.

PRESIDENT KENNEDY IS CONCERNED

Three years ago the Congress enacted legislation which made it clear that the 1789 housekeeping statute was to be no authority for withholding documents from the American people.

Since then, however, the custodians of Federal records increasingly have turned up newer and more ingenious excuses for not revealing information. The so-called doctrine of Executive privilege has become more and more swollen, and section 3 of the Administrative Procedure Act—a section intended to increase the flow of information—has been twisted by some into authority for impeding that flow. The bill I introduce today is intended to correct the latter tendency.

The flow of Government information to the people has been a matter of grave concern to President Kennedy.

He has expressed himself clearly on this subject and I think the bill I introduce today for myself and my colleagues will put in his hands the type of statutory authority he needs to fulfill his stated aims.

Here is what Mr. Kennedy said during the presidential campaign when queried on the subject of the people's right to information about their Government:

> An informed citizenry is the basis of representative government. Democracy—as we know it—cannot exist unless the American people are equipped with the information which is necessary if they are to make the informed political choices on which the proper functioning of democracy depends. An informed people—able to examine and, when necessary, to criticize, its government—is the only guarantee of responsible democracy. And the President—who himself bears much of the responsibility for the preservation of American democracy—has the affirmative duty to see that the American people are kept fully informed. It is true that in today's world of peril some Government information must be kept secret—information whose publication would endanger the security of the United States. But within the rather narrow limits of national security the people of the United States are entitled to the fullest possible information about their Government—and the President must see that they receive it.

I think most of us are already familiar with, and have been frustrated by, the reluctance of some Federal bureaucrats to let go even the simplest most harmless piece of information—unless they themselves have made the decision to release it, and have shaped the contents and the timing of the release to suit their own particular purposes.

The examples of official fetishes about secrecy are sometimes ludicrous. Several years ago the Army classified a pamphlet which consisted of nothing more than a compilation of public statements made by the Secretary of the Army and the Army Chief of Staff. To be sure, when this absurdity was revealed by a subcommittee of the other body, it turned out that the classification was a "misunderstanding"—and it was removed—but even so, committees of the Congress should not have to perform such declassification tasks; the executive branch officials should themselves have more sense.

Just the other day the Washington Post carried an article about the refusal of the U.S. Naval Research Laboratory to let a military contractors' trade magazine borrow the Laboratory's telephone directory. According to the story, the refusal was explained on the ground that the laboratory had "found the kind of information you—the publisher—dispense has resulted in improper use of material sought to the detriment of the research efforts of this Laboratory." I find it difficult to believe there could be such ponderous uproar over a simple request to use a telephone book, but there it is; and once more a taxpayer has to get the help of Congress in looking at an unclassified public document.

WHAT THE BILL DOES

The freedom of information bill I am offering today will not, if it should be enacted, solve all of our problems in extracting information from all segments of the Federal service, but it will prevent future application of section 3 of the Administrative Procedure Act in a manner inconsistent with our intent in passing that act and inconsistent with commonsense and the people's right to be informed.

The present language of the section has seven loopholes in the general requirement that the rules and actions of an agency be disclosed to the public. I shall not detail them all, but a typical phrase seized upon by the withholders of information is this:

> Matter of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.

In short, the exception swallows up the rule.

Briefly, the bill would do these things:

First. Make clear the obligation of agencies to publish all their rules, either in the Federal Register or by some other method which will permit their convenient examination by the public.

Second. Define public records to include all records and documents submitted to an agency, subject to five exceptions only.

Third. Spell out the five secrecy exceptions: (a) When specifically required by another statute, (b) in protecting the national defense, (c) when submitted to the agency in confidence, (d) to prevent an unwarranted invasion of personal privacy, and (e) when transmitted from one agency to another, matters secret in the hands of the first agency will remain secret—if requested—in the hands of the second.

If we can accomplish the foregoing, we will be striking a significant blow against the petty secrecies and coverups with which the average citizen too often is confronted when he deals with his Government.

Before I close I want to acknowledge the debt I owe the American Bar Association, the national professional journalism fraternity Sigma Delta Chi and our late beloved colleague from Missouri, Tom Hennings. All of them played a significant part in the development of the bill, and if it is a good and craftsmanlike work of drafting today, it is because of their efforts in the past.

I ask unanimous consent that the bill, together with an analysis and a copy of the Washington Post article I referred to earlier, be printed in the RECORD, at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, analysis, and article will be printed in the RECORD.

The bill (S. 1567) to amend section 3 of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, introduced by Mr. CARROLL (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:

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 11, 1946 (60 Stat. 238), is amended to read as follows:

"SEC. 3. In order to provide adequate and effective information for the public—

"(a) ORGANIZATION, RULES, AND FORMS.—Every agency shall separately state and promptly file for publication in the Federal Register and for codification in the Code of Federal Regulations: (1) Descriptions of its central and field organization, including statements of the general course and method by which its functions are channeled and determined, delegations by the agency of final authority, and the established places at which, and the methods whereby, the public may obtain information or make submittals or requests; (2) all procedural rules; (3) all other rules; (4) descriptions of all forms available for public use and instructions relating thereto, including a statement of where and how such forms and instructions may be obtained, and (5) every amendment, revision, and revocation of the foregoing.

"(b) ALTERNATIVE METHODS.—An agency may, pursuant to a published rule, use an alternative method of publishing the information specified in subsection (a) or of communicating it to all interested persons (which shall include any person inquiring with respect thereto), when to do so will achieve economy and expedite dissemination of information to the public. No information published by such alternative method shall be relied upon or cited against any person who has not received prior, reasonable, and actual notice thereof.

"(c) ORDERS AND OPINIONS.—Every agency shall promptly publish its orders and opinions (which need not include determinations on agency personnel matters) or make them available to the public in accordance with published rule stating where and how they may be obtained, examined or copied.

"(d) PUBLIC RECORDS.—Every agency shall promptly make available to the public, in accordance with a published rule stating where and how they may be obtained, examined, or copied, all records, files, papers, and documents submitted to and received by the agency, including but not limited to applications, petitions, pleadings, requests, claims, communications, reports or other papers, and all recorded actions by the agency thereon, except as the agency by published rule finds that withholding is permitted by subsection (f) hereof. Every individual vote and official act of an agency shall be entered of record and made available to the public.

"(e) EFFECT OF FAILURE TO PUBLISH.—No rule, order, opinion or public record, shall be relied upon or cited by any agency against any person unless it has been duly published or made available to the public in accordance with this section. No person shall in any manner be bound by or required to resort to any organization or procedure not so published.

"(f) EXCEPTIONS.—The provisions of this section shall not require disclosure of subject matter which is (1) specifically exempt from disclosure by statute, (2) required to be kept secret in the protection of the national defense, (3) submitted in confidence pursuant to statute or published rule, (4) of such a nature that disclosure would be a clearly unwarranted invasion of personal privacy, or (5) submitted by another agency in whose hands the subject matter fell within one of the foregoing exceptions and where nondisclosure was specifically requested by such other agency; however, nothing in this section authorizes withholding of information or limiting availability of records to the public except as specifically stated in this subsection, nor shall this subsection be authority to withhold information formally requested by any committee of the Congress."

The analysis and article presented by Mr. CARROLL are as follows:

EXPLANATION OF FREEDOM OF INFORMATION BILL

PURPOSE

The purpose of this bill is to clarify the scope of the authority granted to the heads of executive departments and agencies under section 3 of the act of June 11, 1946 (60 Stat. 238), and to eliminate the unjustified citation of this section as authority for withholding information from the public and the Congress.

ANALYSIS

Introductory statement

The introductory statement is aimed at making clear the intent of Congress in enacting this section. By stating at the outset that the purpose of section 3 is "to provide adequate and effective information for the public," it is intended that the remaining language of the section be read and interpreted in the light of this purpose, and that it be used to effectuate the dissemination, not the restriction, of information. All of the exceptions to the publication requirements of section 3 have been modified and transferred to the last subsection.

Subsection 3(a)—Organization, rules and forms

This subsection retains the present requirement that every agency shall separately state and publish in the Federal Register descriptions of its central and field organization, including statements of the general course and methods by which its functions are channeled and determined, delegations of final authority, and the established places at which, and methods whereby, the public may obtain information or make submittals or requests. Added to this is the requirement that these items also be filed for codification in the Code of Federal Regulations.

The relatively narrow category of rules now described as "substantive rules adopted as authorized by law" is eliminated, and the far broader categories of "all procedural rules" and "all other rules" are added.

The present language of section 3(a) regarding publication of information dealing with forms and instructions is changed so as to eliminate any doubt that information about all forms and instructions for public use is to be published.

The existing requirement that agencies publish the enumerated items "currently" is changed to a requirement that they file these items for publication "promptly." This change, together with the requirement that "every amendment, revision, and revocation" likewise be filed promptly should aid materially in keeping the Federal Register up to date.

Finally, the present provision of subsection 3(a) that no person shall in any manner be required to resort to any organization or procedure not so published is transferred to subsection (e), which deals with the effect of failure to publish not only any organization or procedure, but also any rule, order, opinion or public record.

Subsection 3(b)—Alternative methods

This subsection permits use of an alternative method of publishing the information specified in subsection (a), or of communicating it to all interested persons, when economy will be achieved and the dissemination of information to the public expedited thereby. However, such methods may be used only pursuant to a published rule, and no information so published may be relied upon or cited against any person who has not received prior, reasonable, and actual notice thereof.

Subsection 3(c)—Orders and opinions

This subsection requires that all orders and opinions be published or made available to the public in accordance with a published rule. Eliminated is the vague and undefined phrase, "required for good cause to be held confidential," which on its face permits an agency to exercise practically unlimited discretion in keeping orders and opinions confidential.

Subsection 3(d)—Public records

This subsection replaces subsection 3(c) as it now reads. It affirmatively requires that every agency shall promptly make available to the public "all records, files, papers, and documents" submitted to and received by it (subject only to the exceptions specifically set forth in subsection (f)). The restrictive phrase, "persons properly and directly concerned," is eliminated. The term "official record" also is eliminated, and "public record" is used in its stead. "Public records" are defined to include applications, petitions, pleadings, requests, claims, communications, reports, and other papers (except those excluded under the provisions of subsection (f))—thereby giving agency officials a precise standard by which to determine what must be made public and what may be kept confidential. Eliminated entirely is the exception presently found in subsection (c), "information held confidential for good cause found."

Subsection 3(e)—Effect of failure to publish

This subsection provides that "no rule, order, opinion or public record, shall be relied upon or cited by any agency" unless it has been made public as required under this section. In addition, it provides that no one need resort to any organization or procedure not so published. These provisions, in effect, constitute the penalty clause of section 3 and are tailored to serve a dual purpose—to encourage agencies to comply with the publication requirements of the section, and to protect members of the public in cases of noncompliance.

Subsection 3(f)—Exceptions

Section 3 presently excepts from its publication requirements "any function of the United States requiring secrecy in the public interest" and "any matter relating solely to the internal management of an agency." These phrases are eliminated as being too ambiguous. Substituted for them are five specific categories of information which

agencies are not required to disclose. These are: (1) Information specifically exempted from disclosure by other statutes; (2) information "required to be kept secret in the protection of the national defense"; (3) information submitted in confidence pursuant to statute or published rule; (4) information of such a nature that disclosure would be "a clearly unwarranted invasion of personal privacy"; and (5) information secret in the hands of one agency when disclosed in confidence to a second agency.

These exceptions are narrower than those now contained in section 3. They have been tailored carefully to accomplish the dissemination of the maximum amount of information reasonably possible, and, at the same time, to protect both the national defense and all traditionally recognized rights of privacy of the individual. They also have been designed not to interfere with the operation and effect of other statutes which permit agencies to restrict or limit the dissemination of specific types of information.

The final clause in this subsection is self-explanatory and provides that "nothing in this section authorizes withholding of information or limiting availability of records to the public except as specifically stated in this subsection, nor shall this subsection be authority to withhold information formally requested by any committee of the Congress."

[From the Washington Post, Apr. 7, 1961]

NAVY LABORATORY TRIES TO BUILD WALL OF SECRECY AROUND—ITS PHONE BOOK

(By David Burnham)

The U.S. Naval Research Laboratory, ever vigilant against prying eyes, has tried to hide its telephone book behind a wall of secrecy.

Chairman JOHN E. MOSS, Democrat, of California, of the House Information Subcommittee disclosed the incident in a letter to Navy Secretary John B. Connally. The letter was made available to the United Press International.

Moss said the attempt to hide the telephone book of the facility here was an arrogant expression on the part of a Navy administrator to the effect that he reserves the right to censor the use to which unclassified information is put.

The book in question provides the names, room numbers, and extensions for officials working in the laboratory, according to the subcommittee.

A spokesman, told of Moss' charges, said the Navy could not comment because it had not yet received the letter.

Moss said the "ridiculous attempt to classify a telephone book" came about when a trade magazine for military contractors asked the laboratory if it could borrow the directory.

Moss said the laboratory's director of administration, Capt. B. F. Bennett, refused the request in a letter to the magazine's publisher.

Bennett told the publisher, "We have found the kind of information you dispense has resulted in improper use of material sought to the detriment of the research efforts of this laboratory," according to Moss.

"We believe all marketing organizations are familiar with the procurement system used by the Navy," Bennett wrote. "If they are not, the information you request will not be any help to them."

Bennett said that "in view of the comments above we cannot provide a copy of the telephone directory. It is for official use only of the Department of Defense."

EDUCATION FOR PEACE

Mr. HUMPHREY. Madam President, America's tradition of freedom and progress will be accepted and honored in other lands only if we make it absolutely clear that we want to share this tradition with all mankind.

When we talk about equality of opportunity, about brotherhood and human dignity, do we seek these great goals only for ourselves?

No, the goals of America are the goals we share with the rest of the world, with all mankind, and President Kennedy expressed this position eloquently and forcefully in his inaugural message and particularly in initiating action on the Peace Corps. And I predict that the emerging nations of Asia, Africa, and Latin America will see the enthusiasm and goodwill of our people rapidly transformed into an action program under the able, dynamic direction of Sargent Shriver, Director of the U.S. Peace Corps.

EDUCATION FOR PEACE

In previous years I have called for an "Education for Peace" program to help these emerging nations overcome widespread illiteracy and ignorance which frustrate rising expectations for progress toward a better life.

I believe the Peace Corps can play a vital role in this education for peace effort, and I am delighted to see the high priority given to education in the overall objectives of the Peace Corps.

In a penetrating article in Foreign Affairs, John Kenneth Galbraith, who has been designated by the President as Ambassador to India, made these comments:

> We may lay it down as a rule that there will be no durable, self-sustaining advance under conditions of widespread illiteracy and ignorance and without an educated elite of substantial size. In the 18th and 19th centuries, it was well understood—at least in the United States—that popular education was of first importance for releasing the initiative and energy of the people, enabling them to work efficiently and progressively and to give development a thrust or impetus from below. There is no modern reason to believe that this view is wrong.

COMPETITIVE REVOLUTION

Revolutionary change rocks every part of the 20th century world. In our lifetime the basic activities by which people make their living, the political processes by which they are governed are being revolutionized.

The Communist world thrusts revolution forward by ceaseless indoctrination, agitation, and propaganda backed by ruthless force. With these means they are achieving rapid material advance for many people behind the iron curtain.

Our task is to recapture the leadership of world revolution. We must compete in this revolution by helping more than half the people on earth achieve greater progress for themselves, within the framework of freedom and consent.

CHALLENGE OF EDUCATION

Grassroots education is a crucial front in this competitive revolution. But we are not doing enough on this front. A look at primary education in the rapidly developing countries of the free world, the countries with which we now carry on cooperative programs for social and economic development, shows this vividly.

There are about 1,200 million people living in those countries, in Latin America, Africa, the Middle East and Asia. Of this number, 313 million are of primary school age, 5 to 14 years old. Only 92 million of those children are in school. Two hundred and twenty-one million of these children are not in school. Seventy-one percent of school age children in the newly independent and newly developing countries outside the Iron Curtain are not now in school.

That is not all. This population is increasing from 2 to 3 percent per year. This means that at least 25 million children are added to this population each year. Each year the number to be taught increases.

COMMUNISTS FIGHT ILLITERACY

How are the Communists doing with this problem? In 40 years the Soviet Union has practically eliminated illiteracy in its population. In Communist China with a total population of about 650 million almost 94 million of the 5- to 14-year age group are in school. That is, 59 percent of the school age children are in school in Communist China. This compares with only 29 percent of school age children who are in school in rapidly developing countries in the free world.

Let us break this problem down a little further. In the Far East free world countries, excluding Japan, 50 percent of the 5- to 14-year age group are in school. In Latin America only 41 percent are in school, while in the Near East and South Asia, only 23 percent can get an opportunity for schooling. In Africa only 1 child in 5, or 20 percent, is in school.

The stark fact is that the free world is now growing a new illiterate population that is numerically larger than has ever existed before despite the fact that the percentage of illiterates is slowly declining. Meanwhile the Communist world is taking giant steps toward providing primary education for all their children.

EDUCATION FOR DEMOCRACY

Small wonder that representative government finds hard going in many free world countries. Jefferson was right. Democracy can live and grow only where the electorate is educated.

This lack of educational opportunity cuts very deep. Most of these people want education for their children. They watch the competitive revolution intently. If we, working with them and their leaders, cannot demonstrate that education can be supplied to their children within the framework of freedom and democracy, they are going to turn to the Communist world for the solution of this problem.

What can we do about it?

EXPAND PRIMARY EDUCATION

Primary education must be rapidly expanded. The free world needs 6 million more schoolrooms and 6 million more primary school teachers than it now has to put the school-age children that are alive today in school. Between 80 percent and 90 percent of these unschooled children live in rural areas. They must be taught in schools to which they can walk. They will have to be taught by teachers who are paid a bare subsistence wage because their families

have incomes that range from less than $50 to $200 per person per year. Ultimately those families will have to provide the taxes that pay the teacher's salary. To meet these conditions teachers will have to begin teaching when they themselves have had only 6 to 10 years of education. They will have to teach in the vernacular language the children already understand.

With these limitations how can enough rural schools be organized to do the job? Here indeed is a New Frontier—a human frontier for us and for our friends around the world.

LOW COST, MASS EDUCATION

Yet there is hope. The genius of our age can help provide this education at costs and in ways that can meet these tough conditions. There is hope in new, low-cost, mass education systems that are now being worked out to support and guide these new teachers.

One set of these teaching systems developed by the International Cooperation Administration uses a filmstrip projector with the sun as its light source. This projector is made with a 35-cent mirror, a 25-cent lens, and a plastic screen that costs less than a dollar. With this projector, it is possible for teachers with limited education and training to teach effectively whenever and wherever the sun shines.

The sunlight filmstrip projector can deliver teaching material to rural schools at a cost that is only one-quarter to one-third that of conventional textbooks. Here is hope for improving the quality and reducing the cost of education in those nations struggling to break out of the age-old cycle of ignorance, poverty, disease, and despair.

Other low-cost teaching systems can be used in city schools and at advanced levels. I am confident that there will be full exploration of the potential use of a wide variety of modern teaching aides and rapid teacher training programs.

PEACE CORPS

The new Peace Corps can play a very important part in meeting the need for primary education in the newly developing nations.

Peace Corps members can perform vitally needed education functions, developing and introducing new teaching systems, and training the teachers who will teach millions of new rural schoolteachers.

I believe that other countries have the right and the duty to develop their own education systems, according to their own national needs and their own national goals—without outside interference.

But I also believe that American support for education in these lands—whether through the Peace Corps or through such private efforts as the literacy campaign of Dr. Frank Laubach—can make a powerful contribution to peaceful transformation and modernization in the emerging countries of Asia, Africa and Latin America.

I am not suggesting that education for peace efforts must come only from our Federal Government.

WIDE SUPPORT NEEDED

On the contrary, I believe this effort must have the support of many different groups. We must enlist the support of the general public, the great educational institutions of America, and the experience, the advice, and the support of American teachers and those who are experimenting with new teaching techniques.

The dramatic, enthusiastic response of the American people to the Peace Corps proposal gives convincing evidence that our people are eager to extend a helping hand in a spirit of brotherhood to conquer those ancient enemies—poverty, hunger, disease, ignorance, and illiteracy.

As the world-famous historian, Arnold Toynbee, points out:

> The Peace Corps can give America a chance to recapture her birthright—nothing less than the leadership of the world revolution that she started in April 1776 when her embattled farmers fired the shot heard round the world.

PRESIDENT'S MESSAGE

In line with this spirit, a growing number of responsible people believe that an opportunity for a significant new foreign policy initiative is to be found in a program for cooperation with other nations in the field of education. The President's recent message on foreign aid supports this view. As the President noted:

> A large infusion of development capital cannot now be absorbed by many nations newly emerging from a wholly underdeveloped condition. Their primary need at first will be the development of human resources, education, technical assistance, and the groundwork of basic facilities and institutions necessary for further growth.

To speed this development, to help establish this groundwork, I am submitting a concurrent resolution designed to create an International Educational Development Foundation.

VALUE OF PROGRAM

Such a program for educational cooperation with other countries through this foundation would have several important values.

First, it would help restore the image of America with respect for intellectual and cultural values. It would symbolize our dedication to the development of the individual human personality.

Second, newly emerging independent nations will see tangible symbols of friendship and progress, symbols of America's good will, in the schools, universities, libraries and laboratories, which we help establish through this foundation.

Third, the importance of educational development to longrun economic development is increasingly clear. The lack of literate, educated manpower is a major obstacle to effective use of available capital and technology in the emerging underdeveloped nations.

And fourth, a major effort to speed international educational development can help to counteract and overcome the lure of rapid progress in education within the Sino-Soviet Communist world. Educational development in the free world is essential to create the conditions for progress and to maintain the opportunities for freedom.

Thus, educational development in the free world will serve our national interests and the objectives of our foreign policy. Furthermore, it serves deeper spiritual purposes. It indicates the American belief in universal education as a fundamental condition of personal liberty, representative government, and a democratic way of life.

The concurrent resolution which I am submitting today is a statement of intention that our Government should launch a full-scale program of cooperation with other nations to develop their educational resources.

FOOD FOR PEACE AID

This resolution also expresses the hope that suitable organizational machinery will be established to assure vigorous leadership and coordination for international educational activities by our Government as well as help and support for private efforts in the field of international education.

As to financing educational cooperation with other countries, we should look to the great pool of local foreign currencies—more than $2 billion—owned or controlled by the United States and accumulated largely through sales of agricultural surpluses under Public Law 480.

I am convinced that our food for peace program can furnish sound, continuing financing procedures for American participation in this education-for-peace program.

AMERICA'S OPPORTUNITY

The revolution of rising expectations is under way. We have an opportunity to help guide this revolution in the emerging nations of Asia, Africa, and Latin America into the paths of peaceful progress which enhance personal freedom and human dignity. I am confident that America will rise to this opportunity.

Madam President, I submit my education-for-peace concurrent resolution for appropriate reference.

The concurrent resolution (S. Con. Res. 19) submitted by Mr. HUMPHREY, was referred to the Committee on Foreign Relations, as follows:

> Whereas the American people believe that sound education is a fundamental condition of personal liberty, representative government and a democratic way of life; and
>
> Whereas, in an age of science and technology, education, especially higher education, is essential to social progress; and
>
> Whereas education and training of talented individuals is indispensable to the economic development of underdeveloped countries, whose chief resource is human beings; and
>
> Whereas education and truth, its vital spirit, are powerful instruments of international understanding and peace; and
>
> Whereas the exchange of students and teachers under the Fulbright and Smith-Mundt Acts has demonstrated the value of international cooperation in educational matters to friendly relations between the United States and other countries: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That it shall be the policy of the United States to assist other nations to establish, improve, and develop their educational systems, to assist in bringing the benefits of education to all their

citizens, and to encourage and help make possible higher education and advanced training for deserving students; and be it further

Resolved, That the United States Congress recognizes and affirms the inalienable right of other nations to establish their educational institutions in accordance with their own national aspirations and cultural heritage, and pledges itself to adopt suitable measures to assist other nations which seek the aid of the United States to establish or improve their educational systems according to their own values and traditions; and be it further

Resolved, That the Congress hereby encourages the enlistment of all appropriate agencies for this purpose, including United States educational institutions, corporations, foundations, and other private organizations, departments and agencies of United States Government, and the United Nations Organization and its specialized agencies; and, more specifically, be it further

Resolved, That the United States stands ready—

(1) to assist other nations in the efforts they are making to improve their own educational system by enabling them to train teachers and instructors and by assisting them to obtain teachers and instructors from other countries; by helping them to obtain books, materials and equipment essential to education, training, and research; by assisting them to establish, enlarge, or alter physical facilities for education, training, and research; by encouraging and assisting them to obtain expert guidance with respect to modern methods of educational development and administration;

(2) to encourage and support measures to bring the benefits of higher education and advanced training within the reach of qualified and deserving students of other countries without regard to their personal economic condition;

(3) to promote mutual assistance among nations in matters of education, training, and research;

(4) to help remove barriers to, and to encourage and support, the free exchange of educational, scientific, and cultural materials, and the interchange among nations of students, teachers, and persons of special skills and learning; and be it further

Resolved, That it is the sense of the Congress that there should be established in the executive branch of the Government an International Educational Development Foundation, or other suitable organizational entity, with sufficient stature and independent authority to assure a vigorous program to accomplish the purposes of this resolution and to coordinate the international educational activities of the United States Government, and the Congress declares its willingness to provide suitable financing for the accomplishment of this program, including but not limited to provisions for the use of foreign currencies available to the United States for such purposes.

NOTICE OF PUBLIC HEARINGS ON GOVERNMENT PATENT POLICY AND S. 1084 AND S. 1176

Mr. McCLELLAN. Madam President, as chairman of the Standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee has scheduled public hearings on S. 1084 and S. 1176, dealing with Government patent policy, to commence on Tuesday, April 18, 1961.

The hearings, set for 10 a.m., are to be held in room 2228, New Senate Office Building.

Anyone wishing to testify or file a statement for the record should communicate immediately with the office of the Senate Patents, Trademarks, and Copyrights Subcommittee, room 349A, Senate Office Building, Washington 25, D.C., telephone CA 4-3121 or Government Code 180, extension 2268.

The subcommittee consists of the senior Senator from South Carolina [Mr. JOHNSTON], the junior Senator from Michigan [Mr. HART], the senior Senator from Tennessee [Mr. KEFAUVER], the senior Senator from Wisconsin [Mr. WILEY], the junior Senator from New Hampshire [Mr. COTTON], and myself, as chairman.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

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

Anton T. Skoro, of Idaho, to be U.S. marshal, district of Idaho, term of 4 years, vice Saul H. Clark.

Paul D. Sossamon, of North Carolina, to be U.S. marshal, western district of North Carolina, term of 4 years, vice Roy A. Harmon.

E. Herman Burrows, of North Carolina, to be U.S. marshal, middle district of North Carolina, term of 4 years, vice James H. Somers.

James J. P. McShane, of Virginia, to be U.S. marshal, term of 4 years, vice Dudley G. Skinker.

Lawrence M. Henry, of Colorado, to be U.S. attorney, district of Colorado, term of 4 years, vice Donald G. Brotzman.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, April 19, 1961, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

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

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

By Mr. KEFAUVER:

Jefferson-Jackson Day address delivered by the Vice President, at Nashville, Tenn., on April 8, 1961.

By Mr. LAUSCHE:

Statement entitled "Canada and the United States—A Traditional Friendship," prepared by him.

By Mr. METCALF:

Address by Orville L. Freeman, Secretary of Agriculture, delivered before the National Water Research Symposium, Washington, D.C., on March 29, 1961.

THE JOHN BIRCH SOCIETY

Mr. McGEE. Madam President, I wish to refer to a news-ticker item in regard to a speech delivered last night, in Los Angeles, by Robert Welch, of the John Birch Society. According to the news ticker, Mr. Welch said in the course of that speech:

Protestant ministers do not become Communists—but Communists do become Protestant ministers.

Madam President, that is another kind of reckless slur and smear that this man and the spokesmen for this slurring society are visiting upon various respectable sentiments of American society. Nothing could be more ridiculous than to believe that the students of theology, the ministers of the Gospel, could be handmaidens of the cause of the Communists, who believe in anything but God; and I suggest that nothing could suit the Communists purpose more completely than the suggestion that the Protestant ministry is being infiltrated by communism.

Furthermore, I raise serious question about the motives of Mr. Welch and whatever inspires those who join his society, if they attack with that kind of invective the segments of our own communities.

I believe it is time that we bring squarely to the mat the issues between our society and these twisted, distorted, sick people who seek to charge with conspiracy all who differ with them.

These people are afraid of trusting others, they are afraid of America, and they are afraid of freedom; and for that reason they seek to pull down those around them by using the smear and the invective in which Mr. Welch has once again indulged in the course of his speech in Los Angeles.

I ask unanimous consent that the item from the news ticker be printed at this point in the RECORD.

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

LOS ANGELES.—Robert Welch, founder of the John Birch Society, says:

"Protestant ministers do not become Communists—but Communists do become Protestant ministers."

He told a capacity audience of 6,000 at the Shrine Auditorium last night that Communists and their sympathizers are infiltrating the Protestant ministry—because it is the last place where Americans would expect to find them. However, he added:

"There are about 200,000 ministers, and only about 7,000 of them could be called 'comsymps.'

"Nobody is accusing the other 97 percent of anything except the gullibility and apathy with which Americans as a whole are afflicted."

He defined a "comsymp" as a "Communist or a symphathizer with Communist purposes."

Mr. YOUNG of North Dakota. Madam President, for many weeks I have been receiving a considerable number of letters condemning me for being opposed to the John Birch Society. Since it is a secret organization, there is no way to know for certain whether the writers of these letters are members of the John Birch Society. A small percentage will admit they are members. Most of the letters follow the same pattern, however, that is, if one is opposed to anything the head of this organization, Mr. Welch,

does or says, one is assumed to be some kind of a Communist or Communist dupe.

Typical of the type of letters I am receiving is one from Mr. Thomas E. Woods, an attorney from Wichita, Kans. In his letter, he states:

Wittingly or unwittingly you are serving the cause of communism.

Madam President, I ask unanimous consent to have printed at this point in the RECORD, as parts of my remarks, the letter from Mr. Woods, and my reply to his letter; an article entitled "Birchers 'Out of Focus' Catholic Paper Says," published in the Washington Post for April 8, 1961, and based on an editorial appearing in the Pilot, the official organ of the Boston Roman Catholic archdiocese; and an editorial entitled "The Againsters," published in the Oregonian, of Portland, Oreg., of April 5, 1961.

There being no objection, the letters, article, and editorial were ordered to be printed in the RECORD, as follows:

WICHITA, KANS., *April 6, 1961.*

Hon. MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: For many years it has been my privilege to receive the CONGRESSIONAL RECORD. Over the years I have experienced humor, pleasure, displeasure, and the whole gantlet of emotions concerning the contents thereof. Of course I can appreciate that all Congressmen are politicians, and perhaps it is sometimes with tongue in cheek that certain activities, letters, and articles are included in the CONGRESSIONAL RECORD. However, recently I am appalled at what I read. I have reference to the items you have chosen to place in the RECORD regarding the John Birch Society.

Lest there be any misunderstanding let me say that I am a member of the John Birch Society—and proud to be one. Of course I did not join the society until I had satisfied all my doubts regarding its purpose, scope, and the dedication of the members I knew. Of course this is not a problem for anyone having the slightest interest in the organization either with a view of joining or out of curiosity. We have open meetings and all of our material is available at the city library.

Apparently it is the purpose of the society, its increasing membership, and effectiveness which is causing the press to rise in anguish and question everything about us. Of course there is no such anguished beating of breasts over the continuing Communist success throughout the world. And it is apparently due to our increasing effectiveness against Communist subversion that has caused the homegrown Communists to honor us with the proclamation that the John Birch Society must be destroyed at all costs. Wittingly or unwittingly you are serving the cause of communism.

Please do not misunderstand me. It is not my purpose to attempt to prevent your criticism of the society—provided it is valid. That is your privilege and mine as citizens of this great country to express our opinions on any and all subjects, subject only to the legal rights of others.

The misinformed and the uninformed are the greatest dangers that any society faces. With all the marvelous means of communication, transportation, and the masses of information available to us today we must be even more vigilant. And here is where I take issue with you. It is my opinion that if you had a sincere interest in the society and it's purpose, you would not have adopted the course you have.

Perhaps you are not aware of the fact that the article in Time magazine which you read into the RECORD on March 8, 1961, is largely based on an article in the Peoples World, dated February 25, 1961. For your information the Peoples World is a publication of the Communist Party U.S.A. as listed by the House Un-American Activities Committee.

Another facet to this whole matter that disturbs me is the fact that among the items placed in the RECORD on March 20, 1961, is a sermon by John A. Crane, a Unitarian minister. Coincidentally, a John A. Crane, who is also a Unitarian minister, is one of the signers of an appeal for the recognition of Red China in the Worker dated December 8, 1957, at paragraph four and nine. Do you not make any independent investigation of the items you read into the RECORD?

The attacks on the society seem to be largely based on the fact that we are a secret organization, whatever that means. There is no question about it—we are a private organization. But so are the Knights of Columbus, Masons, Elks, etc. Does this fact in and of itself militate against us?

Another fact that seems to concern many is that Robert Welch has said or written many things about Eisenhower, Dulles, etc. I am not familiar with any of the material he has allegedly written for it is not a part of the society material. Reference is made to a letter he wrote 4 years or so before the society was organized. The contents of this letter, if it did exist, were never published until the society started to become effective and then our critics started the publication of this alleged letter. Also for whatever it may be worth, you might examine into the fact that the ghostwriter for Eisenhower's book was identified by Louis Budenz, Chambers, and others, as a Communist. I do not imply that the general knew this at the time the book was written, but it is a fact nevertheless.

Needless to say this letter will probably have little effect on your future activity, but as a representative of the people it would seem that you might make a little investigation into the facts before you place articles such as you have in the RECORD. And even a little investigation would have given you all the information you were looking for—if that was the purpose of the insertion of the articles in the RECORD.

Very truly yours,

THOMAS E. WOODS.

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
April 11, 1961.

Mr. THOMAS E. WOODS,
Attorney at Law,
Wichita, Kans.

DEAR MR. WOODS: This will acknowledge your letter of April 6.

Your letter is typical of what is wrong with the John Birch Society. Your leader, Robert Welch, is unwilling or does not have the decency to apologize for the Communist accusations he leveled against President Eisenhower and a host of other patriotic American leaders. If I were to make such charges as this, I certainly would have been run out of the Republican Party and probably out of my State.

All through Mr. Welch's book, "The Politician," he accuses President Eisenhower, his brother Milton Eisenhower, Allen Dulles, Director of the CIA, and many others of being Communists or following the Communist line. On page 267 of "The Politician", Mr. Welch states "that Milton Eisenhower is a Communist, and has been for 30 years." On page 210 he also says of Milton Eisenhower, "In my opinion the chances are very strong that Milton Eisenhower is actually Dwight Eisenhower's superior and boss within the Communist Party."

One of the most damnable of all his accusations against President Eisenhower—and one that has not been carried in the newspapers—appears on page 266 of "The Politician:" "For the sake of honesty, however, I want to confess here my own convictions that Eisenhower's motivation is more ideological than opportunistic. Or, to put it bluntly, I personally think that he has been sympathetic to ultimate Communist aims, realistically willing to use Communist means to help them achieve their goals, knowingly accepting and abiding by Communist orders, and consciously serving the Communist conspiracy, for all of his adult life." If perchance you should call yourself a Republican and are a member of the John Birch Society, whose leader has made such outrageous charges and is unwilling to either retract them or apologize for them, then you are not my kind of a Republican.

It is understandable why you folks in the organization are doing nothing about these charges. You probably won't dare. In your application for membership in the John Birch Society, you "agree that my membership may be revoked at any time, by a duly appointed officer of the society, without the reason being stated, on refund of the pro rata part of my dues paid in advance."

This means that Mr. Welch can remain the head of the John Birch Society so long as he desires, regardless of his beliefs, accusations, or conduct. If any effort ever should be made to depose Mr. Welch as head of this organization, the membership of such individuals, chapters, or even the entire State organization could be revoked by Mr. Welch without the reason being stated.

In the February 29, 1960, bulletin for March written by Robert Welch and sent to all members of the John Birch Society, and contained in the white book of the John Birch Society for 1960, there is this statement: "Report to me all of the horrible things you will increasingly be hearing about your founder, if you think it is worthwhile, but put no credence in them, no matter the source from which they come—or resign from the society if you do." There is nothing very democratic about such a procedure. No wonder Mr. Welch calls democracy "a perennial fraud."

You state that the organization is no more secret than the Knights of Columbus, Masons, Elks, or others. Many organizations refuse to give a list of their membership to any agency or other persons for various reasons, but mainly because they do not like to have them become subjected to promiscuous mailings by oftentimes disreputable sources. You can go into any community in the United States, however, and contact the heads of these organizations and I think you will find that invariably they will tell you who their members are. Certainly no person who is a member of the organizations you mentioned will ever deny such membership. Usually they are very proud of their membership. They have no provision such as the one appearing in the John Birch Society pamphlet entitled, "appreciation and encouragement," which I quote: "Neither the list of our members of either local chapters or the home chapter, nor their number, is ever given out to anybody." This secret manner in which the John Birch Society operates makes it impossible to know who the members are. Most of the people who I believe are members of the organization are honestly and sincerely trying to combat the Communist menace—and it is a real one. I have only commendation for this objective.

You condemn me for inserting in the RECORD a sermon by the Reverend John A. Crane. This was a part of a series of articles printed in the Santa Barbara News-Press. I might say that the News-Press is not a leftwing publication. It is a very reputable

newspaper. Incidentally, its managing editor, Mr. Veblen, is a former North Dakotan.

Your statement, "Wittingly or unwittingly you are serving the cause of communism" is typical of many of the letters I am receiving from people I suspect are members of the John Birch Society. Apparently this is part of your doctrine. You label everyone who disagrees with you on any subject a Communist or pro-Communist. Am I to believe that irresponsible accusations such as this are symbolic of the lofty objectives of the John Birch Society of more responsibility and a better world?

Very truly yours,

MILTON R. YOUNG.

[From the Washington Post, Apr. 8, 1961]

BIRCHERS "OUT OF FOCUS," CATHOLIC PAPER SAYS

BOSTON, April 7.—The Pilot, official organ of the Boston Roman Catholic Archdiocese, today said that the John Birch Society movement "with all kinds of good intentions allowed, is unbalanced, excited and definitely out of focus."

On page 1 of the same issue, the Pilot printed a story on Richard Cardinal Cushing's speech Wednesday at North Easton. At that time, the cardinal described Robert Welch, founder of the Birch Society, as "a sincere and dedicated man."

In its lead editorial, titled "The Unbalanced View," the newspaper said:

"In a world as complex as ours, simplification can be a vice and sincerity is no excuse for exaggeration. Nothing discredits a good cause quicker than supporting it by misrepresentation. When we feed the cause of genuine anticommunism with overstatement, we err just as badly as those who nourish communism itself by understatement * * *."

The Pilot said that the lessons that can be profitably drawn from such an endeavor—"a good thing gone wrong"—are many and should not be lost on thoughtful observers.

"In protecting ourselves against communism," the Pilot said, "We should be careful that we do not fall into evils almost as bad. It is possible to escape the dogs only to perish in the swamp.

"Moreover, we must remember that we cannot rewrite history; it is fatuous to speak of returning to the simplicity of earlier times or to suggest carrying out the responsibilities of present-day Government with the machinery of the 18th century.

"We live in a real world with real problems which we must meet realistically; there is no place for hysteria, exaggeration, accusation or misrepresentation in an authentic anti-Communist effort."

[From the Oregonian, Apr. 5, 1961]

THE AGAINSTERS

A nationwide organization whose members appear to have at least one thing in common—malcontent—has been receiving reams of publicity recently, probably much more than its significance warrants. Yet it is a good thing that the American public be fully informed on the John Birch Society, just as it should be informed on the activities of all persons who, through concerted action, would work important changes in the life or government of the republic.

All we know about the John Birch Society is what we read in the papers. It is quite enough to draw some conclusions. It is quite enough to be reminded that a patent-medicine cure for evil can often be just about as bad as the evil itself. The founder of the John Birch Society, Robert Welch, of Belmont, Mass., quite candidly condones mean and dirty tactics in opposition to the mean and dirty Communists and presumably against all the other things the society and its members oppose.

These are the publicized characteristics of the John Birchers that strike us most forcibly: They are againsters, and they eschew the tools of reason and democracy in their assault on those things they are against.

Although Mr. Welch calls his society "monolithic," his againsters have their own peeves. All, by the very nature of their association, are against Communists—and, if that was as far as it went, the society would be the most popular in the country. But the record shows that they are also against those who just anybody says may be a Communist or a Communist sympathizer. They are against liberals. They are against taxes in any amount necessary to mount a real defense against the real Communists.

Some are against the public schools as being dominated by radicals. Some are against newspapers, the Communist press, to use a phrase popular among the John Birchers.

On the local front, some are against school consolidation. Some, not only in the South, are against integration of the races in the schools and elsewhere. Some are against textbooks that appear to them to be obscene or radical.

Most members, it appears, are against Republicans Dwight Eisenhower, Earl Warren, and Nelson Rockefeller, and against John Kennedy (Reuther's stooge) and Harry Truman.

We mean no blanket indictment of the John Birch Society. There is a place in our society for organizations that are against the things the John Birchers are against. There should be a place in such organizations for positive as well as negative principles.

The John Birch Society publicity will serve a good purpose if it alerts some of the society's members to the dangers of a program overburdened with ill will, and if it alerts men of good will to their own responsibilities for action on matters of public concern. The citizen who refuses to take an active role in determining the policies of his schools, his Government and other public affairs is in no position to be critical of the active role pursued by the extremists. It is no public service, for example, just to be against the John Birch Society.

Mr. YOUNG of North Dakota. Mr. President, there has been a great deal of interest in the book entitled "The Politician," written by the head of the John Birch Society, Robert Welch, but never published. Copies of this book are very difficult to obtain. Very few members of the John Birch Society or others have ever read it. Some members of the society even doubt its existence.

Mr. President, because of the considerable interest in this book, I ask unanimous consent to have 13 of its pages printed in the RECORD, as a part of my remarks. These are the pages dealing primarily with accusations of communism against President Eisenhower and other great, patriotic leaders of our Nation.

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

The political affiliations of some of Eisenhower's appointees, however, are as vague and mysterious as were his own. Also, the categories above do sometimes overlap with regard to a particular individual; that is, he may appear to be a leftwing Democrat, for instance, and actually be a Communist. So we are going to list below some 40 appointments made by Eisenhower, or which could not have been made by department heads under him, if he disapproved, without trying to separate them into the three classifications. But we shall try, in most cases, to make clear the place of the appointment in this whole story, by at least a brief word of comment.

1. Milton Eisenhower: Presidential adviser. At least in appearance. Had always been an ardent New Dealer, to put it mildly, and still is. Proof of at least pro-Communist leanings is implicit in his support of Owen Lattimore, and of others like him, at Johns Hopkins. In my opinion the chances are very strong that Milton Eisenhower is actually Dwight Eisenhower's superior and boss within the Communist Party. For one thing he is obviously a great deal smarter.

2. Maxwell E. Rabb: Presidential adviser, and assistant for relations with minority groups: First official title, "associate counsel" for the President; then "Secretary to the Cabinet." Now in private law practice. Drew a salary all during 1952, while helping to run the Eisenhower campaign, for a post he never filled with the Democratic-controlled Senate Judiciary Committee. The staff director of this committee did not even know him.

Max Rabb is a very clever and cagey man. Proof that he is a Communist would not be easy, except as a logical deduction from his overall actions and visible purposes. In masterminding the steal of the Republican nomination at Chicago in 1952, however, he followed so faithfully and cleverly the exact Communist technique, of always accusing your enemy, first and loudly, of the very crime which you yourself are committing, that the long arm of coincidence would be strained in reaching so far.

3. John Foster Dulles: Secretary of State. America's case against Secretary Dulles and company was presented by Senator William E. Jenner in an article in the April 1956 issue of the American Mercury. We covered a certain amount of additional ground on pages 23 to 28 of the June 1958 issue of American Opinion. We'll try to summarize these and other appraisals here as briefly as we can.

John Foster Dulles is the man who chiefly persuaded Thomas E. Dewey and the Republican opposition, in 1944 and 1948, to go along with, instead of fighting, the pro-Communist foreign policies of the Roosevelt and Truman administrations. Dulles has at all times been a close friend, admirer, associate, consultant, and political protege of Dean Acheson. Senator Jenner says that "Mr. Dulles is Mr. Acheson's identical twin." Dulles became officially a right-hand man of Acheson, in 1950; and was so completely a part of the Communist-dominated Truman foreign-policy menagerie that he no longer gave Who's Who in America his address as 18 Wall Street, New York, which was his law office, but as "Office: Department of State, Washington."

Certainly his appointment was a strange and disillusioning one to be made by the kind of Republican which President Eisenhower was pretending to be in 1952. Among other visible parts of his record, Dulles had been a prominent and much publicized member of the first meeting of the World Council of Churches, at Amsterdam in 1948, when that body officially declared capitalism to be just as bad as communism. Dulles neither protested nor disavowed the statement, which was fully in accord with his own expressed convictions, and which was given so much publicity in this country that I actually heard it, being loudly bleated over a radio from the clubhouse, while I was playing golf.

For many reasons and after a lot of study, I personally believe Dulles to be a Communist agent who has had one clearly defined role to play; namely, always to say the right things and always to do the wrong ones. The Japanese Peace Treaty, the Austrian Peace Treaty, and his very definite double-crossing of the British Government in the Suez affair are all cases in point. In speeches and public statements Dulles is always the

proponent of the real American position, the man who announces the policies and intentions which the American people want to hear, and which they recognize as right. He thus serves to convince the American Congress and people that the administration is trying to do the right thing. Then Dulles backs down, or is overruled, or appears to be forced by circumstances and pressures he can't control to reverse himself; the Government does exactly the opposite of what he has said it would do; and the defeat of our side is worse than if he had never spoken at all. But the American people simply do not grasp that it was all planned that way in the first place.

Although it certainly will not strengthen my argument any, it may perhaps be worth while, just to give the reader a break from so much monotonously respectable language, to quote somebody else's summation of Dulles' character. Once, in a small group, I asked a good friend of mine and prominent American, whose name at least is well known to every reader of this document but who has never held any political office, what he thought of Dulles. After a moment of hesitation he replied, so that everybody could hear: "I think John Foster Dulles is a sanctimonious, psalm-singing hypocritical ——— ———, and I know him very well." If Syngman Rhee, Chiang Kai-shek, Nuri es-Said, and other real anti-Communists in the governments of our allies throughout the world, could be persuaded to voice their real thoughts, I am sure they would agree with that sentiment, if not with its phrasing. For it is certain beyond dispute that Dulles (or our State Department as run by Dulles), has been selling them and their countries down the river into Communist hands, as cleverly as he knew how and as rapidly as he dared.

4. Martin Durkin: First Secretary of Labor. Robert Taft said his appointment was incredible. It was—so incredible and so revealing that even Eisenhower couldn't make that one stick. But his aims are shown by the fact that he made it at all.

5. Theodore C. Streibert: First head of the newly independent U.S. Information Agency. Announced at the beginning of his term that under him the Voice of America would avoid "going violently anti-Soviet." It certainly has. He also stated that "where there are two sides to a question here we shall be sure to give both sides." Taking American taxpayers' money to present, to the people of the satellite nations, the Soviet side of the phony issues they stir up, would be bad enough. Streibert's choice of agents to present the American side, over Voice of America, has been even worse. Eisenhower could get away with so brazen an appointment even then, simply because it seemed to the American people too minor for them to give any of their attention.

6. Philip C. Jessup: Reappointed by Eisenhower as an Ambassador at Large. This is the appointment, so early in Eisenhower's first administration, to which the adjective "incredible" really should have been applied. He was able to get away with it, even by the use of a great deal of White House pressure and insistence, only because the victory-happy real Republicans, ecstatically gloating over their supposed return to power, were willing to look the other way while their new standard bearer indulged himself with what seemed to be a blind and peculiar vagary.

Philip C. Jessup had been one of the most important men in the IPR during all the years of its most important treasonous activities. Working hand in glove with his close friend, Frederick Vanderbilt Field, he had done everything he could to turn China over to the Communists and, after the mainland was lost, to see that both Korea and Formosa were abandoned to the Communists as well. Jessup had been officially listed as the sponsor of several Communist fronts. He was a protege of Dean Acheson. He was a great friend of Alger Hiss, and had appeared as a character witness for Hiss at Hiss' trial. He was a vigorous supporter of Owen Lattimore. In hearings before the McCarran committee, in November 1949, he had been caught deliberately lying under oath about his previous attitude toward our recognition of Red China. His reappointment by Truman, to represent the United States in the U.N. General Assembly, had been refused recommendation by the Senate Foreign Relations Subcommittee, because of his Communist associations and leanings, less than 1 year before Eisenhower was elected.

The evidence of Jessup's pro-Communist sympathies, and of his unceasing and energetic efforts on behalf of the Communist cause, was—and is—overwhelming. Equally important for this discussion, those sympathies and actions were fully known to Eisenhower. But he brazened out the appointment, because he and his fellow Communists well knew the American people to be extremely short as to memory and long as to complacency.

7. Chester Bowles: Ambassador to India. This appointment was much easier for Eisenhower to get away with, because Bowles' sympathies had not been so well exposed. But it was equally revealing of Eisenhower's purposes, to anybody who really looked behind the scenes. Fortunately, we can put Bowles in his proper niche here with just one simple fact: He was one of the principal owners of the pro-Communist publication PM.

8. Charles E. Bohlen: Ambassador to Russia. This appointment, also made so early in the Eisenhower administration, was declared even then by a discerning few to be a portent of things to come. Senator McCarthy claimed that there were 16 pages of derogatory material about Bohlen in the FBI security file on him. Senator WAYNE MORSE, ardently pro-Bohlen, referred at first to "2 or 3," then to "6 or 7," and finally admitted 15 such derogatory reports.

Bohlen was a protege of Acheson, and another close friend of Alger Hiss. Even at the hearings on his confirmation he still brazenly supported the Teheran, Yalta, and Potsdam Conferences and agreements, in each of which he had participated in a minor capacity. He was vigorously endorsed by Senators HUMPHREY and Lehman. He was confirmed, despite his record, because most of the Republican Senators put peace in the Republican Party at this stage above an honest foreign affairs policy, and shared the feeling expressed by Senator Taft that the appointment of Bohlen was a relatively minor question, not worth fighting over. They were wrong. For Eisenhower was edging Communist sympathizers, right out of the old Acheson-Hiss coterie, into every position of importance that he dared. The total impact of this program was very important indeed. And the total of these "relatively minor matters not worth fighting over" added up to a very clear revelation of the game Eisenhower was playing. But nobody, or very few indeed, even wanted to look.

9. Arthur H. Dean: Chief American negotiator in the truce with the Communists at Panmunjom. Already mentioned far earlier in these pages, so we'll add little more about him here. His sympathies can readily be seen from the fact that early in 1954 he stated publicly, with the prestige of an American "Ambassador," that we should take a "new look" at Red China and "be prepared to admit them to the family of nations." Had already given Red China at Panmunjom everything they could think of to ask for except the White House dome. Longtime law partner of John Foster Dulles. Arthur Dean was the one man who, more than any other, had blocked every effort to clean up the Institute of Pacific Relations from the inside, and had kept it firmly and aggressively on its pro-Communist course. In addition to all of which he is, right on the plain written record, one of the most brazen and incorrigible liars that ever competed in that category with Alger Hiss.

10. Allen W. Dulles: Head of the CIA. Brother of John Foster Dulles. (They have a sister in the State Department whose pro-Communist slant is less disguised). Law partner of Arthur Dean. Allen Dulles is the most protected and untouchable supporter of communism, next to Eisenhower himself, in Washington.

How many millions of dollars of American taxpayers' money Allen Dulles has turned over to Walter Reuther's stooge, Irving Brown, to promote communism in fact while pretending to fight it (through building up the leftwing labor unions of Europe), nobody will never know. How many millions he has turned over to David Dubinsky and Jay Lovestone, both admitted Communists but claiming to be anti-Stalinist Communists, on the specious excuse that it is best to fight the Kremlin through such opponents, nobody will never know. How many millions he has supplied to the NTS, the phony Russian refugee anti-Communist organization, to enable its worldwide branches to wreck real anti-Communist organizations, none of us will ever know. Nobody is allowed by the Eisenhower administration to get close enough even to ask. When a man as highly regarded and highly placed as Major General Trudeau, Director of Military Intelligence, even began to suggest that the CIA under Allen Dulles was of no help in safeguarding America against communism, Trudeau found himself quickly removed from office as head of Military Intelligence and sent to routine duty in the Far East. When Senator McCarthy, at the very height of his popularity with the American people, began casting even random glances at the CIA, his days were immediately numbered.

When a patriotic young American goes into intelligence work, especially against as ruthless an enemy as the Communists, he knows that he is risking his life. He knows that he must count on his own courage, skill, and resourcefulness. But he has every right to expect loyalty to America on the part of those above him in his own agency. One month before that shuttlecock defector, Otto John, went over to the East German Communists, however, he spent a whole day in Allen Dulles' headquarters in Washington. Then, immediately after John's defection, our agents in central Europe began losing their lives. The inside report is that more than 160 were exposed and killed within the next several weeks. The inference that Otto John took with him from Washington the information that made this possible is clear. Of course there is no way to prove it. McCarthy, if he had been given the full power of the U.S. Senate behind his investigation, might have been able to uncover the whole rotten story, and to show that the CIA is the most Communist-infested of all the agencies of our Government. But Eisenhower was able to instead turn the power of the U.S. Senate onto the destruction of McCarthy. And Allen Dulles still goes his slippery way.

11. Arthur F. Burns: Off-and-on economic adviser and superadviser to the President. Born and raised in Russia. Preferred by Eisenhower to an American adviser on the American economy. Typical of the kind of economic advice Burns hands out were his statements in 1955 that "our system of free and competitive enterprise is on trial" and that Government "must be ready to take vigorous steps to help maintain a stable prosperity." It is quite probable that

the job of economic adviser has been merely a coverup for Burns' liaison work between Eisenhower and some of his Communist bosses.

12. John J. Corson: Appointed to head a panel of advisers to the President on higher education, especially as to recommendations to the President, for him in turn to make to Congress, on Federal aid to education. This appointment was not subject to approval by Congress, because the "briefing panel" was set up and paid under the President's "emergency funds," for which he does not have to account. Mr. Corson's general point of view can be shown by this paragraph from a paper which he wrote for "The Social Welfare Forum":

"As things stand today, Government alone can provide the security that families, churches, and charitable agencies did in the past. The pension programs provided by employers and labor will constitute nothing more than the frosting on the cake. Government must provide basic security, and this means a frank guarantee of a minimum of well-being for every individual, not alone for a fifth of the people at the bottom of the scale."

* * * * *

For the sake of honesty, however, I want to confess here my own conviction that Eisenhower's motivation is more ideological than opportunistic. Or, to put it bluntly, I personally think that he has been sympathetic to ultimate Communist aims, realistically willing to use Communist means to help them achieve their goals, knowingly accepting and abiding by Communist orders, and consciously serving the Communist conspiracy, for all of his adult life.

The role he has played, as described above, would fit just as well into one theory as the other; that he is a mere stooge, or that he is a Communist assigned the specific job of being a political front man. In either case the Communists are so powerfully entrenched by now that, even if Eisenhower disappeared from the scene, all the momentum and strength of the forces we have seen at work would still have to be overcome before we would be reasonably out of danger. The firm grip on our Government, of the forces that have worked through Eisenhower, is more important than Eisenhower himself. And so long as I can make clear the power and pervasiveness of the conspiracy, as it reaches right inside the White House, I have no wish to quarrel with any reader who finds it easier to believe that Eisenhower is a more personable Harry Truman than that he is a more highly placed Alger Hiss. For such an interpretation of his conduct brings us out at almost exactly the same point as my own, so far as the disastrous effects on the present and future of our country are concerned.

At this stage of the manuscript, however, perhaps it is permissible for me to take just a couple of paragraphs to support my own belief. And it seems to me that the explanation of sheer political opportunism, to account for Eisenhower's Communist-aiding career, stems merely from a deep-rooted aversion of any American to recognizing the horrible truth. Most of the doubters, who go all the way with me except to the final logical conclusion, appear to have no trouble whatever in suspecting that Milton Eisenhower is an outright Communist. Yet they draw back from attaching the same suspicion to his brother, for no other real reason than that one is a professor and the other a President. While I too think that Milton Eisenhower is a Communist, and has been for 30 years, this opinion is based largely on general circumstances of his conduct. But my firm belief that Dwight Eisenhower is a dedicated, conscious agent of the Communist conspiracy is based on an accumulation of detailed evidence so extensive and so palpable that it seems to me to put this conviction beyond any reasonable doubt.

This inevitably prompts the third question, as to how a man born in the American Midwest, who went through the U.S. Military Academy, could ever become a convert to communism (or even to the service of communism for personal glory). The answer, of course, is that very few could, or do. That's why there are probably not more than 25,000 American-born actual Communist traitors in the United States today—out of a population of 160 million.

Those converts are most likely to occur among warped but brilliant minds, which have acquired either by inheritance or circumstances a mentality of fanaticism. And it should be no surprise to anybody that Eisenhower was raised with this mentality of fanaticism, for as recently as 1942 his mother was arrested for participating in a forbidden parade of Jehovah's witnesses. But whereas in most historical cases fanaticism takes the form of outspoken promotion of the fanatic's cause, at whatever personal cost, the Communists have sold their converts the fundamental principle that the goals of their fanaticism can best be achieved by cunning deception. Everything Eisenhower has done for the past 18 years can be fitted into the explanation based on that type of mentality. And I do not believe that the events of his personal story during those 18 years can be satisfactorily explained in any other way.

The Communists can now use all the power and prestige of the Presidency of the United States to implement their plans, just as fully and even openly as they dare. They have arrived at this point by three stages. In the first stage, Roosevelt thought he was using the Communists to promote his personal ambitions and grandiose schemes. Of course, instead, the Communists were using him; but without his knowledge or understanding of his place in their game. In the second stage, Truman was used by the Communists, with his knowledge and acquiescence, as the price he consciously paid for their making him President. In the third stage, in my own firm opinion, the Communists have one of their own actually in the Presidency. For this third man, Eisenhower, there is only one possible word to describe his purposes and his actions. That word is "treason."

* * * * *

The legislative branch of our Government has been brought so far in line that it will ratify an Austrian peace treaty without debate, approve the appointment of a Zellerbach without a question, and listen to the speech of a Sukarno with applause.

Our Supreme Court is now so strongly and almost completely under Communist influence that it shatters its own precedents and rips gaping holes in our Constitution, in order to favor Communist purposes. Its "Red Monday" decisions in 1957 were described by a notorious Communist in California as the greatest victory the Communist Party ever had. This gloating comment may have been entirely correct. Just one result of those decisions was that more than 300 known Communists or Communist sympathizers were actually restored to their positions within our Federal Government. Other results were equally disastrous to the anti-Communist cause; and other decisions by the Supreme Court since then have been equally bad.

As to the executive department of our Government, it has become, to a large extent, an active agency for the promotion of Communist aims—as the preceding 200 pages of this book have tried to show. It is certain that the situation must grow worse, under present circumstances, even if and when Eisenhower ceases to be President, unless we can understand and undo so much that he has accomplished. There is one important reason for this which most Americans have not stopped to notice. We still see and read about hearings of the House Un-American Activities Committee and the Senate Internal Security Subcommittee, although so much of the steam has now been let out of their boilers. And we take for granted that these patriotic legislators are looking for flagrantly dangerous Communists wherever they can find them. But this is not the case. They are looking for such Communists everywhere except in Government.

You may discover either committee investigating, or seeking to expose, Communists in labor, or in education, or in the entertainment world—though their efforts are pathetically small and brutally handicapped in proportion to the size and power of the enemy. But no longer do you ever see such a committee even questioning a suspected Communist in Government. For Eisenhower's gag rules have made the field of Government out of bounds to such committees, and have made utterly useless their even attempting to investigate Communists in Government agencies. In fact, these committees cannot even get answers from anybody inside Government to any questions they might ask concerning suspected Communists outside of Government. For those same gag rules, issued and enforced by Eisenhower, prohibit agencies of the executive branch from giving these congressional committees any information whatsoever, about anything. So both Communists and their activities, in Departments like State and Treasury and Commerce, are as free to multiply as rabbits on a farm grown to weeds.

Mr. MANSFIELD. Madam President, I listened with interest to what the distinguished senior Senator from North Dakota said.

Did I understand him correctly to state that he was putting in the RECORD certain parts of a book known as "The Politician," which was supposedly either published or distributed to friends of Mr. Welch some years ago?

Mr. YOUNG of North Dakota. That is correct. The book was admittedly written by Mr. Welch. He admits this. The book was completed, as I understand, in 1956. It was written by him, but never published. Some copies were made available to certain interested members of the society, but most of them were withdrawn from circulation.

Mr. MANSFIELD. Was it in that book that statements were made relative to our great former President, Dwight D. Eisenhower, and his distinguished brother, Milton S. Eisenhower, being Communist agents, or Communist dupes, or something of that description?

Mr. YOUNG of North Dakota. That is correct. Those statements appear in the pages which I have asked to be inserted in the RECORD. I would like to have the whole book appear in the RECORD, but it would be rather costly. If that is the desire of the Senate, I shall be glad to include the whole book in the RECORD at some later time.

Mr. MANSFIELD. In the book is there some statement made that, according to Mr. Welch, the late John Foster Dulles, one of our great Secretaries of State, and his brother, Allen Dulles, head of the Central Intelligence

Agency, were, likewise, agents or dupes of the Communists?

Mr. YOUNG of North Dakota. That is correct. I wish to read just one paragraph with reference to President Eisenhower. It is one that has not received much publicity. It appears on page 266 of the book:

For the sake of honesty, however, I want to confess here my own conviction that Eisenhower's motivation is more ideological than opportunistic. Or, to put it bluntly, I personally think that he has been sympathetic to ultimate Communist aims, realistically willing to use Communist means to help them achieve their goals, knowingly accepting and abiding by Communist orders, and consciously serving the Communist conspiracy, for all of his adult life.

That is what he said about President Eisenhower.

Mr. MANSFIELD. I think every American would consider as a slur on our entire country any imputation on the character of either former President Eisenhower or his brother Milton Eisenhower. The same would apply to the late great Secretary of State, John Foster Dulles, and his brother, Allen Dulles.

It is my understanding that this society advocates, among other things, the impeachment of Earl Warren, Chief Justice of the United States; the repeal of all income taxes; vigorous opposition to the NATO alliance, and similar opposition to the United Nations—all this, and more, too.

I ask unanimous consent to have printed at this point in the RECORD a commentary from the Christian Science Monitor of recent date, under the title "State of the Nations; Far-Right Goals."

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

FAR-RIGHT GOALS

(By William H. Stringer)

WASHINGTON.—Some Americans are understandably concerned that the free world, particularly the United States, is not winning more immediate battles against communism. They may become even more worried before the rugged Lao crisis is resolved, though elsewhere new tactics and approaches by the United States—in Africa and Latin America, for instance—hold promise of halting the Communist inroads if everyone is resolute.

But a question is posed right here, as radical right-wing organizations such as the John Birch Society receive an unusual and perhaps unwarranted amount of publicity. This is whether the programs and prescriptions of the far right, which are billed as combating communism, really do this very effectively and safely.

Everyone must make up his own mind here. Is a program responsible and perceptive; or is it based on a dim comprehension of what is happening in the world and a malaise which is, at base, a wish to be living in less demanding times?

The John Birch Society reportedly has several current aims as espoused by its founder. Among them, impeachment of Earl Warren, Chief Justice of the United States; repeal of the income tax; vigorous opposition to the NATO alliance; similar opposition to the United Nations.

What of the suggested fate for Mr. Chief Justice Warren? It springs from anger with the desegregation decision and rulings which have protected individual rights under the first amendment.

In part it discloses an unawareness that the Supreme Court, well before the desegregation decision, was moving specifically in that direction. The decision, no bolt from the blue, was foreshadowed in such a case as that which knocked down the "separate but equal doctrine" which required a Negro student to forgo attendance at a white law school.

As for Mr. Chief Justice Warren and the Bill of Rights, the denouncers disclose a careless unwillingness to honor the institution of the Court itself, its valid history in mitigating injustices, the vast esteem which the American Bill of Rights is accorded in free nations, and the certainty that as time passes the Court's pendulum of decision will swing away from any extremism, including extreme decisions by the tribunal itself.

But perhaps we should repeal the income tax? Nobody likes to pay taxes, especially when that April deadline approaches. But without income tax, how does Washington collect the revenues to run the Government? (Currently individual income taxes supply 52 percent of the Federal revenue.) The answer usually is, "Have much less government."

A noble idea indeed, until one analyzes, as some have not, the Federal budget (for 1961) and discovers that a whopping 57 percent of it goes for national security, 12 percent for merely paying interest on the national debt, and 7 percent for the veterans. That leaves just 24 percent of an $80 billion budget that is reducible, unless, of course, someone wants to tackle the veterans or cut defense.

No doubt there is waste, and something could be pared from social security, hospitals, flood control, farm payments? But any expectation that the United States can return to budgets of 20 years ago is wishful thinking.

But how about quitting the NATO alliance? Here we really are talking about the shield of free Europe, that which prevents Moscow from overrunning a vast industrial complex and subduing 200 million free people. It will become a device for sharing the foreign aid load and encouraging world trade. Why scuttle it?

Then perhaps we should get out of the United Nations? Would this be wise at just the moment when the U.N. is being forged into a promising instrument of executive action usable directly in a chaotic land such as the Congo or Angola?

There is much unfinished business in this country. There are covenanted devices for handling it. The FBI keeps tabs on Communist subversion, and J. Edgar Hoover, Chief of the FBI, has just warned against "vigilante action." One who wishes the political parties were meaningful should realize that both parties welcome dedicated helpers; indeed the Republicans are appealing urgently for able candidates and workers.

In all sincerity each person must ask himself: Are not groups which prefer harassing phone calls and infiltration to the established instruments of political action approaching a nihilist solution which would leave the Nation divided, suspicious, its leaders and its institutions maligned, worse off in the latter case than it was in the former?

Mr. JAVITS. Madam President, will the Senator from North Dakota yield to me?

Mr. YOUNG of North Dakota. Yes, but I do not have the floor.

Mr. JAVITS. Is it a fact that the John Birch Society is a secret organization; that it does not tell who runs it, or who its members are, and that it operates in a secret way?

Mr. YOUNG of North Dakota. That is correct. It so states in its literature. The names of the members of the society are not given to anybody. The members of one chapter do not know who the members of another chapter are.

Mr. JAVITS. Does the Senator think we ought to introduce into the RECORD information which gives more publicity to this secret society, which advocates such extreme, ultra-right doctrines to which the Senator from Montana has referred?

Mr. YOUNG of North Dakota. I would like to have the whole book printed in the RECORD if that were not so expensive, but the real reason why I am asking to have part of the book, "The Politician," printed in the RECORD, is that many members of the society do not believe this book was ever written. Mr. Welch himself admits writing it. Most people are not aware of the vicious charges he makes in the book. I think, for that reason, they should become public knowledge.

Mr. JAVITS. I am one of those who rather hopes that the whole society will be looked into carefully by one of the congressional committees, so the public may know more about it. If the Senator's intention, therefore, is that more light will be thrown on what the society is, I have no objection to his request.

Mr. YOUNG of North Dakota. Mine has been mostly a defensive action. I never heard of the John Birch Society until it started attacking me in my State about 2 months ago. I have been doing what I think is necessary for my defense.

Mr. JAVITS. I would certainly like to hold up the Senator's hand in defense of himself against that kind of society.

RED CHINA'S DRIVE FOR WORLD POWER

Mr. LONG of Hawaii. Madam President, the new administration has stressed the important role that young men and women in America can play in securing world peace. Realizing that to be effective, students must be well grounded in fundamentals of international relations, the Honolulu Advertiser and the Pacific and Asian Affairs Council jointly sponsored the Hawaii World Forum.

The forum was enthusiastically supported by the community, and high schools in Hawaii contributed a team of five members to write a task force report on some problem of international relations.

The winning team, from Punahou School, wrote on "Red China's Drive for World Power." All of us in Hawaii are proud of the work that was done by these students. Their efforts produced a mature and penetrating study, which I believe merits the attention of Members of Congress.

I ask unanimous consent that this study, by Robert Yoshioka, Galen Fox,

Stuart Kiang, John Goodbody, and Brian Lederer, be printed in the RECORD.

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

CHAPTER I. FACTORS INFLUENCING RED CHINA'S FOREIGN POLICY

Physical factors

Communist China, including Manchuria, occupies 3,768,000 square miles in southeast Asia. On the east she is washed by the Pacific Ocean, on the west bounded by the high ranges of the Tien Shan, the Pamirs, and the Himalayas. On the north China is separated from Russia by wide desert and steppe terrain. Solely in the south, through the valleys leading to Indochina, Burma, and Thailand, has there been an opening for Chinese expansion. As the only strong Communist nation in southeast Asia, China serves as the Communist base in this area.

More than half of the Chinese land frontier lies along the borders of other Communist countries, principally Russia. This brings China into conflict with her northern neighbor, for, in her efforts to decrease the population problem in her central and southern provinces, Red China has been forced to increase colonization of her northern border areas, which have long been under Russian influence.[1] Across the Taiwan Straits lies Formosa, a constant source of irritation to Red China.

In addition to these geographic realities, the factor of Red China's population has a vital influence on her internal and foreign policy. Based on the 1954 figure of 583 million, and counting on an average increase of 12 to 13 million per year, the Chinese population now approximates 660 million.[2] According to the Peking People's Daily, this manpower is China's greatest natural resource.[3] Under the Communists this population has been organized politically and economically.[4] It provides them with a market and labor force of more than half a billion men. Moved by the million, they provide workers all over the country for farms, mines, and industrial concerns.[5]

Another significant advantage of this population is its immense military potential. Gen. Maxwell D. Taylor, in reviewing the military strength of the Communist bloc, states that the number of Chinese males alone fit for military action is more than 85 million,[6] and Mao Tse-tung has said that China could outlast a nuclear war, as China's population could still furnish manpower of several hundred million to take over the world.[7] However, this mass of humanity also poses problems for Red China. Foremost among them is overpopulation. In the cultivated areas the average density of population is 1,200 to the square mile. As a countermeasure, the Communists have recently advocated the universal use of contraceptives.[8] Furthermore, this population has needs which China cannot adequately meet. There is a demand for more quantities of food than China can provide in one year.[9] It is an axiom in history that where there is overpopulation and shortage of food, there is a desire for expansion. Red China is no exception to this rule.

Closely tied to China's population problem is her shortage of natural resources. In agriculture, the needs of the population have caused a scarcity of available farmland.[10] Rationing has been in effect since 1954, and has become progressively more stringent.[11] While coal and iron deposits are adequate, China on the whole has few mineral resources. In particular, she depends on the Soviet Union for oil and gas, which must affect her foreign relations with her northern neighbor.

In addition, China is concerned with economic and technical development. Agriculture is the basis of the Chinese economy; however, because of China's lack of modern tools and materials, the chief target of the "Great Leap Forward" has been industry.[12] China is far behind Russia in this respect, and is dependent on Russia for heavy machinery of all types: It is evident that China needs to increase her agricultural as well as industrial production, and machinery is vital to both.

In her attempt to build up the economy, China is conducting a campaign to promote increasing self-sufficiency at home in order to lessen her dependence on foreign products. The recent crop failures throughout China have accentuated this need, and the communes have been placing emphasis on local self-sufficiency as well.[13]

Where imports are necessary, there is evidence of Red China's attempt not to rely on one nation—notably the Soviet Union—exclusively, but to include even Western nations among her import sources, in order to avoid the status of a satellite.[14]

China's geographic location, the size of her population, her economic needs and resources have a significant bearing on her foreign policy. The pressure of these factors must be kept in mind when considering her actions.

Ideological factors

The Chinese Communists themselves believe that thought determines action. Certainly ideology forms the basis or support for all of a nation's activities; it is the standard by which a nation governs itself.

China is now carrying out a massive program of thought reform—the ideological remolding of 660 million people.[15] Her leaders are attempting to install communism as the true ideology of the people. To accomplish this, they have found it necessary to attack the very basis of old China, the religions and the way of life that have existed for centuries. Thus, confucianism, taoism, and buddhism are being attacked and gradually replaced by communism, with its goal of world revolution. However, certain historical factors continue to have an effect on China's ideology as well as her foreign policy. They take the form of a Chinese nationalism based on two closely related aspects of Chinese history. One of these is the Chinese tradition of hegemony in Asia, indeed in the world.

"Complacent Westerners should not forget that, for many centuries before modern times, this giant nation—the middle kingdom—excelled all countries in cultural attainments, political stability, military prowess, and economic wealth." [16]

Today, aware of their backwardness, the Chinese are anxious to regain their former position in the center of the world.

The other historical aspect of Chinese nationalism is a reaction of hostility toward and suspicion of the West as a result of nearly a century of exploitation by the Western powers. Thus, Chinese nationalism expresses itself through a drive toward regaining her former position of preeminence in the world.

Hardened by the years spent in gaining control of China, the Communist leaders feel a strong sense of mission to speed up the course of an inevitable world revolution. In April 1960 the editors of Red Flag stated:

"We are living in a great epoch in which the collapse of the imperialist system is being further accelerated."

The Chinese are doing all they can to speed up the course of the world revolution. They promote constant change with the hope that each change will further their long-term aims. Thus, they are willing to make temporary tactical retreats when necessary if these retreats will bring closer the world revolution. The Chinese are not concerned with freezing the status quo or stabilizing the situation. This indicates their desire of using every possible means, formal and informal, overt and covert, to influence social trends, political opinions, and economic conditions within foreign countries which will further revolutionary changes.[17] As will be demonstrated, the Chinese use a variety of tools in the implementation of their aims abroad.

Chinese Communist doctrine is based on orthodox Leninism. The Chinese Communists attack the "modern revisionists" who hold that Leninism is outmoded. Building on the base of Marxism-Leninism, Mao Tse-tung has developed a philosophy adopting a more militant attitude toward the world struggle, as evinced by his statement:

"Political power grows out of the barrel of a gun; anything can grow out of the barrel of a gun." [18]

Along with his militant attitude, however, he advocates flexibility. In relation to the world struggle for Communist power, he refined and developed the Marxist doctrine of calculated periods of tension and relaxation. By this doctrine, Mao sets up a plan for retreat in order to make greater advances, steps aside to move further ahead.[19] We see this doctrine employed in ideological as well as military warfare.

The Chinese see the world divided into three major groups of nations, to which Mao's principles are applied. The first group is the "socialist," or Communist bloc, China's ideological allies. The second group is the "imperialist" or capitalist bloc, and the third and largest group, consists of noncommitted colonial and semicolonial nations.[20] The entire foreign policy of Peking has but one overall objective: To increase the size and influence of China, culminating in the conquest of the world. The chief enemy of this goal is the Western bloc, represented most powerfully by the United States.[21] For that reason the aims of Communist China are to expel America from her position of influence,

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[1] Dr. A. S. Y. Chen, "Communist China: Military Aspects of World Political Geography," p. 426.

[2] Gyan Chand, "The New Economy of China," pp. 370–371.

[3] "Jen-Min Jih-pao," Oct. 22, 1960.

[4] "Hung-Ch'i," July 1960.

[5] "Nan-Fang Jih-pao," Aug. 3, 1960.

[6] Maxwell D. Taylor, "The Uncertain Trumpet," p. 51.

[7] "The Challenge of China," speech by Dr. John Stoessinger, United Nations radio.

[8] Chung-kuo Fu-nu, July 16, 1960.

[9] Alfred Ravenholt, "Red China's Food Crisis," AUFS report, January 1961.

[10] Yuan-li Wu, "An Economic Survey of China," pp. 22–23.

[11] Ibid. pp. 171–172, cf. Ravenholt, op. cit.

[12] "Nan-Fang Jih-pao," August 1960.

[13] "Jen-Min Jih-pao," Sept. 2, 1960.

[14] "Nan-Fang Jih-pao," Aug. 3, 1960.

[15] Harriet Mills, "Thought Reform: Ideological Remolding in China," the Atlantic, p. 71, December 1959.

[16] Tillman Durdin, "The Communist Record," the Atlantic, December 1959, p. 39.

[17] A. Doak Barnett, "Red China's Impact on Asia," the Atlantic, December 1959, p. 49.

[18] Mao Tse-tung, "Selected Works," vol. I, p. 75.

[19] Hon. Walter H. Judd, "The Basic Themes," Free World Forum, August 1960.

[20] Jen-Min Jih-pao," June 1958.

[21] Interview with Kazushige Hirazawa, editor, Japan Times, on Feb. 24, 1961.

to neutralize, infiltrate, and eventually take over the noncommitted nations within her sphere of influence, and finally, to secure a position of strength and independence within the Communist bloc. To attain these aims the Chinese have behind them the physical resources of her people and the spark of an ideology at war.

CHAPTER II. CURRENT TRENDS OF CHINESE FOREIGN POLICY

Toward the Western bloc

As we have seen, Communist China has grouped the nations of the world into three classes and definite trends may be noticed in her policies toward each of these three groups. The relationship of China toward the Western nations and their allies is best focused through the examples of Japan, Nationalist China, and the United States. Toward the democratic nations as a whole, the Chinese policy, in general terms, is to isolate and to divide. However, there have been variations in technique between their policies toward Japan, Nationalist China, and the United States of America.

In 1945, Japan emerged from a world war with most of her industrial capacity destroyed. In the past 16 years she once again built up her industrial base to the position of making her Asia's prime industrial power. To the Communists this represents both a threat and a rich economic prize.[22] The Chinese policy has been to isolate Japan from her allies and to attract her toward the Red bloc at the same time. Following the tactic of tension and relaxation mentioned earlier, the Chinese have been alternately friendly and unfriendly toward the Japanese Government. Chinese officials have repeatedly offered agreements to Japan in the field of trade in exchange for active diplomatic relations and have held out the lure of reviving prewar markets. In this area China must overcome the Japanese wariness of friendly gestures and the reluctance of Japanese businessmen to trade with what they consider a poor business risk.[23] At the same time the Peiping government has adopted a threatening stance in her endeavor to neutralize Japan. The Chinese newspaper Hung Ch'i (Red Flag) even threatened nuclear war in the following extract:

"Japan is bound to face a great devastation should she allow herself to be involved in a new war, and as is well known to all, under present conditions of a modern nuclear war, a country like Japan, small in area, densely populated and heavily dotted with military bases of foreign nations as it is, would see, in the first few seconds of war, the same tragic end as that of Hiroshima and Nagasaki" (Jan. 27, 1960).

Japan presents a challenge to China and helps to keep non-Communist Asia strong against Communist expansion. As such China is attempting to neutralize her both by friendship and force.

South of Japan is Taiwan which, as another link in the anti-Communist defenses, represents a special problem to the Chinese Communist government. Since Chiang Kai-shek formed his government in 1949, the Communist Chinese have repeatedly stated their intention of liberating the island from his rule. Not only is Nationalist China's military force a thorn in Red China's side, but Chiang's claim to represent the Chinese everywhere amounts to an ideological threat to the mainland. Mao Tse-tung has stated that the problem of Taiwan is an internal affair of China.[24] Internationally Red China objects vehemently to the representation of the Taiwan government in the United Nations and other international bodies. As another example of the continued use of tension and relaxation, Choi En-lai has offered to pardon the Nationalists on Taiwan if they would submit to the authority of the Peiping government.[25] On the other hand, the sporadic shelling of Quemoy and Matsu is proof of Communist China's tough line on the Chiang government.

The Communist campaigns against Japan and Taiwan are of a lesser degree than those against the United States. As the leader of the Western nations, America is the chief target of the Peiping attempts at isolating the democracies.[26] While varying in degrees of militancy at different times, the chief characteristic of Chinese policy toward the United States is calculated hatred. When Britain's field marshal, Lord Montgomery, made his controversial trip to Peiping in May 1960, he reported that he was shocked at the amount of popular hatred against America.[27] China has carried on unofficial discussions with the United States for several years but as yet has indicated no real desire to reach an agreement on such problems as Taiwan and recognition except on her own terms.[28] In this firmness of policy there are, of course, minor variations, such as the release of American prisoners and the granting of permission for American reporters to visit China; but these are only an expression of the continually recurring tactic of tension and relaxation. China, in her attitude on the basic problems, has not shifted her aim of isolating and dividing the Western bloc.

Toward the Communist bloc

For the Chinese Communists, Russia and her satellites form the second of the classes of nations toward which they have a distinct foreign policy. The Chinese border with Russia stretches 5,000 miles from the Sea of Japan to Afghanistan, and comprises over half of the Chinese land frontier. This situation is a dominating force in determining the actions of the Government in Peiping.

Today China and Russia, whether they enjoy it or not, are allies. The reality of power politics and their common ideology tie them together and they complement each other in military strength.[29] China relies upon Russia at the present time for aid in her program of industrialization and modernization, and Russia relies upon Communist China to advance the cause of communism in Asia and throughout the world.

A study of Sino-Soviet relations from 1949 to 1961 reveals that China's status has changed from Soviet satellite to major partnership in the Sino-Soviet alliance. The very fact that an open dispute could exist between China and Russia in 1960 is a sign of China's position of relative equality.

The ideological dispute of 1960 is significant because of the light it sheds on Chinese foreign policy. In April of that year the Chinese Communist publication, Red Flag, reaffirmed the principles of Lenin in regard to the inevitability of war.[30]

This was in opposition to the statement by Khrushchev that communism will eventually take over the world by peaceful means because of the inherent superiority of Marxism over Western political and economic philosophies.[31] The basic dispute was over whether the Communist bloc should pursue a much bolder, militant policy toward the West, even leading to limited wars. The Chinese argued that the Western fear of Soviet nuclear might would be a sufficient safeguard against the possibility of a limited war spreading into a total war. They advocated more direct measures in fomenting revolution in the underdeveloped nations under Western influence in order to isolate the Western nations, particularly the United States.[32] This dispute not only indicates that Peiping takes a more militant attitude toward the West, but that she also feels independent enough to disagree with the Soviet on an ideological issue.

Another potential trouble spot in Sino-Soviet relations lies in the problem of Chinese colonization of border areas once strictly under Russian influence. The pressure of China's expanding population has begun to fill up the steppes that once formed a barrier to both Russian and Chinese expansion. Across the deserts to Sinkiang and Mongolia lie the richest agricultural and mining regions in the U.S.S.R. As yet, because of China's dependence on Russia for most modern industrial products, there has been no serious conflict. China, in asserting her partnership has not, however, discouraged the movement of her population into these sparsely inhabited areas.[33]

China's policy toward Russia remains one of partnership. The Chinese disagreements on policy do not indicate a break in the alliance but are an expression of the Chinese demand for an equal voice. China needs Russia far too much to get into a serious conflict with the Kremlin.

Toward the noncommitted nations [34]

The study of China's foreign policy becomes particularly fascinating in the consideration of our third group, the noncommitted nations. They include most of non-Communist Asia, Africa, and, more recently, South America. In general, the policy of the Peiping government has been to prevent any leanings toward the West and to persuade them to join the Communist world alliance. This is a far greater challenge to China than the relatively simple device of being friendly to her allies and opposing her enemies. It is in winning over the noncommitted nations that China is most active, and it is through them that she is attempting to realize her goal of world victory.

In her attitude toward noncommitted nations, China is aware of the Leninist principle that to deny the West its colonies, markets and supports is to force its downfall.[35] In her attempt to bring this about, China has made it her policy to cultivate good relations with the countries of Asia, Africa and Latin America. Her measure in this field has been to identify herself with the emerging nations in their struggle for national self-expression. As Lenin has said, "The Communist parties of all countries must render direct aid to the revolutionary movements in dependent territories and colonies." [36]

South and southeast Asia was the first battleground of Communist China beyond her borders. In 1954 Red China was viewed in Asia as a bold, ruthless nation that would stop at nothing in her drive for power. Her recent actions in Korea and Indochina confirmed this attitude. To help destroy China's

[22] "The Face of Communism," editorial, Japan Times, May 27, 1960.

[23] Interview with Kazushige Hirazawa, editor, Japan Times, on Feb. 24, 1961.

[24] Edgar Snow, Look magazine, "A Report From Red China," Jan. 31, 1961.

[25] Shih-Chieh Chieh-shih, "The Straits of Taiwan Today," Oct. 20, 1959.

[26] Kazushige Hirazawa, Japan Times, Feb. 24, 1961.

[27] Newsweek, Jan. 27, 1960.

[28] Honolulu Advertiser, Mar. 7, 1961.

[29] Claude Buss, "The Far East," p. 551.

[30] "Hung Ch'i," Apr. 15, 1960.

[31] Nikita Khrushchev, "Current History," December 1959.

[32] Manchester Guardian, Sept. 1, 1960.

[33] Chen, op. cit., p. 426.

[34] The term "noncommitted" in relation to the nations under discussion may be a misnomer, since every nation is committed to something, even if no more than to the decision of noninvolvement. However, this is the most convenient way to designate the nations who have not allied themselves to one or the other of the two power blocs.

[35] Jack Brimmal, "Communism in Southeast Asia," p. 393.

[36] Nikolai Lenin, "Collected Works," vol. 51, p. 128.

unfavorable image, Foreign Minister Chou En-lai announced with Indian Prime Minister Nehru the formulation in 1955 of the five principles of peaceful coexistence.[37] Jointly sponsored by Nehru and Chou, peaceful coexistence was accepted by the 29 nations at the Bandung Conference, and China gained the reputation of being a nation that earnestly wanted peace and Asian cooperation.[38] Since Bandung this image has been tarnished by the repercussions of such Communist actions as those in Hungary and Tibet. The most recent Chinese action, the occupation of a large Indian border area, shocked Nehru and has done much to draw India and China further apart.[39]

China has been attempting to patch up her conflicts with her immediate neighbors, as evidenced by the recent signing of the Sino-Burmese Boundary Treaty. She may well fear that any further aggressive actions would do irreparable damage to her image. In the light of China's worsening relations with India, there are indications that China's policy is shifting away from its Asian emphasis, and that she intends to concentrate more fully on Africa and Latin America. In any case, it has been Russia which has taken on the support of Capt. Kong Le's forces in Laos, and China's lack of action raises speculation that some Sino-Soviet deal may have been made. Possibly China, in the interests of world communism, is going to let Russia do the work in Asia for the immediate future.[40]

The Chinese may or may not be withdrawing from Asia, but there can be no question about their expansion into Latin America and Africa. An area where life expectancy is not much over 30 years and where illiteracy runs as high as 80 percent. Latin America's position in the Western alliance is insecure. Yet not only Latin America's political friendship but also her raw material wealth and market potential are essential to the West.[41] China is making a most determined effort to undermine American prestige and power in the area. In the words of the Peiping publication Kuo-chi Wen-t'i Yen-chin, "Latin America, which America looks upon as its own 'backyard', has become the very forefront of the opposition to American imperialism."[42] The Chinese have already set up two training centers in Pieping to prepare Communists to take over South America. Twenty Spanish language broadcasts weekly are directed to South America by Chinese transmitters. Peiping has directly supported the Castro regime in Cuba with food and technical advice. Through Cuba she is helping to stir up revolt throughout the hemisphere.[43]

The Chinese activity in Cuba is an excellent example of the way Peiping operates in countries whose relations with Western nations are already strained. When the Cuban leaders began to attack the United States and were met with trade restriction, the Chinese Government came to the rescue with a $60 million loan and promised to buy 500,000 tons of Cuban sugar. Grateful for this aid, Cuban Finance Minister Che Guevara paid a visit to Peiping, where he pledged cooperation with the Chinese desires for international peace.[44] As a result of her relations with Cuba, China gained a base in Latin America. The People's Daily noted the advantages of this and held out Cuba as an example for the rest of the continent:

"The significance and influence of the victory, consolidation, and development of the Cuban revolution has gone far beyond the scope of that country. Throughout Latin America, revolutionary China has become a glittering banner. By their own struggle, the Cuban people have set an example showing that a country which lies nearest to the United States and under its strictest control is able to win victory in national liberation struggle."

It is China's intention to build more Cubas all over Latin America and thus deprive the United States of her traditional markets and influence in that area.

Africa has been another target of Red Chinese friendly penetration and it is here that the Chinese emphasize that they are not a Caucasian race.[45] Red China has continually expressed her identification with the African struggle for independence as Red Flag, the biweekly publication of the central committee, states:

"The Chinese people, who have liberated themselves from imperialist oppression, are following with great interest and active support the independence struggle of the African peoples. We consider it our noble international obligation to extend support to the liberation struggles of all oppressed nations. We regard each of the struggles for independence and freedom waged by the African peoples and each of their victories as of our own. The Chinese people stand firmly on the side of the African people. 'Imperialists get out of Africa! Africa must be free'" (Mar. 15, 1950).

Already Chinese influence in Africa is making itself felt. Radio Peiping beams 10 hours of programing daily to Africa, as compared to the Soviet Union's 31 hours a week. Of the 800 foreign groups that visited Peiping in 1959, 270 were African.[46] In Somalia, China has identified herself with the movement to unite the 630,000 Somalis living in neighboring British-controlled Kenya and French Somaliland. In addition, she has indicated a willingness to supply this Moslem country with Chinese Moslem teachers.[47] It is Guinea, though, where Chinese influence has been most striking. Mao must have indeed been pleased when Sekou Toure said in Peiping last May:

"We can assure you that all that is said by our common enemies can only galvanize the friendship and solidarity that already exists between the countries of Africa and Asia in general, and in particular, the great Chinese people."[48]

China places her greatest challenge to the West in the noncommitted nations. Her object at present is to have them feel as do Guinea and Cuba that China is a valuable friend and ally. Those nations that lean toward the West are the objects of Chinese attempts at neutralization, and the Chinese purpose is to eventually aline them with the Communist front. When that happens, the Chinese feel that the West will collapse from lack of support, and communism will have achieved her rightful place in the center of the world.

CHAPTER III. IMPLEMENTATION OF CHINESE FOREIGN POLICY

Through military force

Having discussed the basis of Chinese foreign policy, let us now consider the methods which China used to accomplish her objectives. The tools on which she relies in her power drive include military force, political infiltration, economic warfare, and propaganda.

As has been stated, military force plays an important role in Marxist-Maoist doctrine. The armed forces are used to support the political goals of the Chinese Communist Party as we have seen in Korea in 1950 and, more recently, in border conflicts with Tibet and India. The Chinese armed forces have been modernized and reorganized so that they are today stronger than the combined military forces of all the non-Communist nations in the Far East. The people's liberation army numbers approximately 2,500,000 men; the air force has 3,000 modern planes; and the navy is equipped with 20 modern submarines.[49] These standing forces are backed up by the mass of China's population, organized into a 150 million man militia which, according to Chinese Marshal Ho Lung, will "drown" any invaders.[50] Even when not used for violence, these forces constitute a powerful threat to China's neighbors, who well know that the Peiping government can quickly back up its demands by a show of strength. For example, after the Tibet border incident Afghanistan and Nepal were quick to sign nonaggression pacts with the Chinese Government.[51]

China's greatest military ambition is to become a member of the nuclear club and it is known that there has been research with nuclear reactors for some years. To what extent the Soviet Union is supplying nuclear information to China must remain a matter for speculation, and there are obvious reasons why the Soviet Union would not want to share all her nuclear research. However, it is generally expected that there will be an atomic explosion in China before the end of 1961.[52] While detonation of a crude device will not make her an equal of the United States and the Soviet Union in atomic striking power, such an event would have a great shock effect throughout the world, and would increase China's military threat to the non-Communist nations. With the development of a nuclear striking force, China can be expected to embark on an even bolder policy toward limited wars in noncommitted areas, when the soft approach will not bring the desired results.

Through political means

On the political front we see Chinese activity on the international level through participation in conferences and negotiations of treaties, and on the national level, through political infiltration into the largest country.

The Bandung Conference of 1955 is a good example of an all-out effort by Red China to accomplish her foreign policy aims on the international level.

Chou En-lai, Red China's spokesman at the Conference, was eloquent in emphasizing China's solidarity with Afro-Asian aspirations, and made a great point of stressing China's readiness for international cooperation. Nehru, the leader of the neutralist nations at Bandung, was obviously impressed

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[37] (1) Mutual respect for each other's territorial integrity and sovereignty; (2) nonaggression; (3) noninterference in each other's internal affairs; (4) equality of status and undertaking of mutual beneficial tasks; (5) peaceful coexistence of countries with different systems.

[38] Ross N. Berkes, "India and the Communist World," "Current History," March 1959.

[39] Nehru is reported to have said (New Delhi Times, March 1960), "The spirit of Bandung is dead."

[40] One who thinks so is William Klausner, an Asia foundation field agent in Laos and Thailand, who gave this opinion in a personal interview, Feb. 4, 1961.

[41] James Warburg, "The West in Crisis," p. 39.

[42] Kuo-chi Wen-t'i Yen-chin, July 13, 1960.

[43] Lester Velie, "Chinese Red Star Over Latin America," Reader's Digest, March 1961.

[44] Dennis Warner, "China Keeps the Pressure Up," the Reporter, Jan. 5, 1961, p. 31.

[45] Fritz Schalter, "Peiping's Growing Influence in Africa," Neue Zuricher Zeitung, in Swiss Review of World Affairs, August 1960.

[46] Schalter, op. cit.

[47] Robert Counts, "Chinese Footprints in Somalia," the Reporter, Feb. 2, 1961.

[48] New China News Agency, Sept. 16, 1960.

[49] This figure was quoted by Red Chinese Defense Minister Liu Piao, Feb. 18, 1960. Newsweek magazine, June 27, 1960, put the military figure at 2,600,000.

[50] Ajia Keizai Junpo, Tokyo, May 20, 1960.

[51] NCNA, Mar. 25, 1960.

[52] U.S. News & World Report, Jan. 11, 1960.

with Chou's demonstration of good will and delivered the full support of the Afro-Asian neutralist nations at the Conference.[53] This appears as a perfect example of one manner of China's approach toward noncommitted nations.

In the political infiltration of a target nation, local Communist or fellow-traveling organizations are used. Where the local Communist Party is too weak or nonexistent a united front is formed with any anti-Western organization with the aim of taking over control.[54]

This very tactic was used by the Chinese Communists to gain control of China herself [55] and is now used extensively in Africa, Asia, and South America.

Peiping's activities in Chile are a good example of the Communist Chinese use of infiltration. The method here has been to gain influence at the University of Chile and in various cultural activities such as theater and ballet. By being active in such organizations the Chinese Communists and their local counterparts have been able to form a common front with the pro-Western but cultured intellectuals. The press, too, is an important object of Communist Chinese persuasion and the largest Chilean afternoon newspaper has been the chief anti-American agitator. In Chilean politics the Communists have formed a united front with the Socialists. The results of this policy can be seen in the Chilean elections of March 6, 1961, where the Communist-Socialist alliance came within 15 seats of unseating the Government in the legislature.[56] Other examples are Indonesia, where the Chinese-supported Communists stand behind Sukarne,[57] and in Japan where they make common cause with the Socialist party.[58]

In nations where the government does not hold firm control and is internally harassed by rebel forces, Red China attempts to speed up the process of revolution by giving support to the rebels. This was the case with Ho Chi-Minh in North Vietnam, and at the present time rebel forces in the Philippines, Malaya, and South Vietnam, are receiving logistical support from Red China.[59] South Vietnam, as a demonstration, has an unsteady government and a large, Chinese-supplied army of rebels. These forces have made travel unsafe in many parts of the country, and kill 800 people each month. So far, the central government has been unable to stop the rebels, which has caused it to lose prestige in South Vietnam and abroad.[60]

Through economic warfare

Red China has become a major trading nation, and even the Taiwan Government admits that she represents a tempting market.[61] The Chinese Communists are using trade as a tool to win friends and gain influence with some nations, and to divide and hurt others.

The need for finished goods has impelled China to offer trade agreements to the Western nations which have given them diplomatic recognition. China has such agreements with most of the NATO countries and Britain, in particular, represents an important market for them.[62] The acceptance of such trade agreements by some Western nations and not by others is having a divisive effect on the Western alliance, from which China profits.

In line with her foreign policy objectives, China has been promoting trade agreements with noncommitted nations, even when they are not to her benefit.[63] In the case of Britain, Japan, France, and the other European NATO countries, trade has been offered as a benefit resulting from recognition.[64]

Despite a recent agricultural crisis at home and a subsequent measure to cut the rice ration by 28 percent,[65] she has been fulfilling her treaty obligations of rice exports to Ceylon.[66]

In China's attempt to harm the economics of the Western bloc, she has been engaging in a determined campaign of price cutting. The Nationalist Chinese and the Japanese have been particularly hard hit by this economic warfare. According to a Free China and Asia report, Japanese textile exports to Southeast Asia were halved in 1958 from their previous peak and Indian textile exports were down 60 percent. At the same time British trade with this area declined and Hong Kong suffered from a serious trade imbalance. In their economic offensive, the Chinese have made extensive use of local middlemen, giving them sometimes as much as 40 percent of the price of the goods as a commission.[67] This dumping gives the Peiping Government a large source of foreign exchange, which it then spends with Russia and the Western countries to build up Chinese industries and purchase finished goods. The ruthlessness of this policy is underscored by the fact that this dumping occurs at a time when there is a heavy program of rationing in China.[68]

Through propaganda

Propaganda, the last of the tools used by the Communist Chinese in accomplishing their aims, is closely related to the political and economic tools. According to Mao, "any person engaged in talking to another person is engaged in propaganda." [69] The general purpose of all propaganda is to create a favorable opinion, at home and abroad, toward the Communist regime and Peiping. For the attainment of this goal China has created the image of a "people's diplomacy." This is the practice of relating all activities to the "desires" of the Chinese people and of the people of the world. This image is stimulated by transferring the Western countries from being the foe of communism to being the foe of the people.

All media of communication, including radio, press, pamphlets, books and films are used to carry Red China's message. In number and intensity of broadcasts to Asia and Africa, Red China tops even the Soviet Union. Twenty-hour-long broadcasts are beamed weekly to Latin America, and 10 hours of broadcasts from China are heard in Africa every day. Communist Chinese books and pamphlets are now sold in South America, and booksellers are offered substantial incentives to sell Chinese literature.[70] The Chinese press is an important disseminator of Communist propaganda, both for internal and external consumption. An increasing number of Red Chinese films are being presented at home and abroad.

Closely tied to the propaganda activities is an extensive program of cultural exchange. In this manner Red China offers other countries contact with the exported version of the arts and the character of the Chinese people. The Chinese cultural exchange program emphasizes the friendliness and openness of the Chinese in order to make the Bamboo Curtain seem a fiction. The idea is not to sell communism through cultural exchange, but to impress foreign countries with the vitality of Chinese artistic expression and so indirectly place Peiping in a favorable light.

In the attempt to isolate the West and gain the support of the neutralist nations, Red China needs and uses all the tools at her disposal. Military force, politics, subversion, economic warfare and, finally, propaganda, all play their role, as determined by Peiping.

Conclusion

This study has attempted to indicate the tremendous impact which Communist China is making on world affairs and to describe the remarkable flexibility of her foreign policy. Today it appears that Communist China is making her strongest efforts in the uncommitted areas of the world, bringing into play all the tools of foreign policy which have been discussed. We have demonstrated that not only will China hold out friendship and trade when it is to her advantage, but that she will also foment revolution and engage in limited wars when violence serves her ends.

If the current trend continues, China will become increasingly independent from the Soviet Union. However, it is wishful thinking to suppose that the partnership with the Soviet Union will break up as a result of China's increase in strength. Communist world strategy is highly pragmatic. China and the Soviet Union have everything to lose from breaking apart, and everything to gain from continuing alliance.

There is no indication of any improvement in China's relations with the Western bloc. Her attitude toward the United States, in particular, continues to be militant and unbending. Diplomatic recognition and admission to the United Nations would not necessarily change this attitude.

Of special significance is China's probable acquisition of nuclear weapons. The threat of nuclear war, or nuclear blackmail, will provide a shield for China's actions in the noncommitted areas. As China increases in strength, and there is every indication that she will, we can expect her to become even bolder, to increase her harassment of the West, and to intensify her campaign to expand her influence throughout the world.

To indicate what the United States should do, what our foreign policy should be to meet this threat to the survival of our democratic institutions, goes beyond the scope of this study. However, the first step toward intelligent action is an awareness of the problem. We trust that this study has contributed to this end.

COST OF ENGINEERING ON PUBLIC WORKS PROJECTS

Mr. DIRKSEN. Madam President, I have received a letter from Hueston M. Smith, president, Consulting Engineers Council, Springfield, Ill., with an at-

[53] Ross N. Berkes, "India and the Communist World," Current History, March 1959.

[54] Hung Ch'i, Sept. 15, 1960.

[55] Previous to and during World War II, the Communists cooperated with the Kuomintang against Japan. They were thus enabled to gain control of large areas and received regular army equipment. After the war they were able to expand the areas under their control and eventually overthrow the Nationalist regime, using the weapons and popular support they gained against the Japanese.

[56] Ibid., Lester Velie, op. cit.

[57] Willard A. Hanna, "Three Men and Three Revolutions," the Reporter, Feb. 16, 1961.

[58] Shih-Chieh Chih-sheih, July 5, 1960.

[59] Ibid.

[60] Stanley Karnow, "Diem Defeats His Own Best Troops," the Reporter, Jan. 19, 1961, p. 25.

[61] Chinese Communists' Trade Offensive, Taipei, 1959.

[62] Chen, op. cit., p. 451.

[63] Wall Street Journal, Jan. 27, 1961.

[64] Chinese Communists' Trade Offensive, Taipei, 1959.

[65] Honolulu Advertiser, Mar. 5, 1961.

[66] Wall Street Journal, Jan. 27, 1961.

[67] Free China and Asia, June 1959.

[68] Albert Ravenholt, "Red China's Food Crisis," AUFS report, January 1961.

[69] Peter Tang, "Communist China Today," p. 358.

[70] Ibid., Lester Velie, op. cit.

tached editorial which I believe will be of interest to the Members of Congress. I ask unanimous consent that it be printed in the RECORD.

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

CONSULTING ENGINEERS COUNCIL,
Springfield, Ill., April 6, 1961.

HON. EVERETT M. DIRKSEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DIRKSEN: Engineers in private practice are quite concerned over the misconceptions apparent in the discussions about the cost of engineering done on public works projects. Comments contained in the attached editorial clearly emphasize the fundamental lack of understanding of our private enterprise system. Therefore, we believe it important for our U.S. Congressmen to recognize that fact and thus avoid consequent pitfalls in all legislative programs.

In order to evaluate the matter of engineering costs on public works projects, important steps must first be taken. We believe that it is necessary to establish and maintain a proper cost accounting system in Government agencies before a sensible comparison can be made between the actual costs of engineering done by Government forces and the amounts paid to consulting engineers for work done on Government projects. Further, we believe that such cost accounting must be established at all levels of government.

We will support any of your programs which include a comprehension of the vital role played by private enterprise in our economic system.

Cordially,

HUESTON M. SMITH,
President.

FROM THE EDITOR'S TRANQUIL TOWER—THE JOHNSON THEORY OF PROFIT

A. E. Johnson, executive secretary of the American Association of State Highway Officials, at the 39th annual conference of his organization, said, "I am unable to understand how the consultant can perform the services cheaper than the State if he furnishes the same level of service, since he must add promotion and profit items in his costs."

Mr. Johnson's position is one so rarely taken in public these days, and he has left himself so wide open from so many directions, that we hesitate to attack—not from want of arguments but from indecision as to which to use first. Actually, Mr. Johnson sounds more like something out of an 1890 Fabian Socialist tract, except that he seems so truly innocent that we are inclined to believe he was not merely intoning a trite phrase but really meant it when he said, "I am unable to understand * * *."

We do not have the space, nor is this the place, to lecture Mr. Johnson on the fundamentals of the economic system that is called capitalism and is based on private ownership, competition, profit, and promotion. It should be enough to suggest to him that the best bargains he gets are the result of low prices brought about by competition and the profit motive—and the big sales at which he makes his best buys would be impossible if they were not promoted through advertising. It is the desire to make a profit and the use of wise promotion that combine to reduce prices.

But if ours is not the task of educating A. E. Johnson, it is our job to warn State highway officials, consulting engineers, contractors, suppliers, and manufacturers—in short, all those groups represented in the American Road Builders' Association—that the American Association of State Highway Officials has as its executive secretary a man who frankly states that he cannot understand how private enterprise can do a job less expensively than the State, since a private businessman "must add promotion and profit items in his costs."

If this applies to the engineer in private practice, surely it must apply many times over to the contractors, the materials suppliers, and the manufacturers, for they, as pure private enterprises, depend solely upon profit for their existence and upon promotion for their sales. They must be much more guilty in Mr. Johnson's eyes than the consulting engineer, who is forbidden by his code of ethics to advertise and limited in his profit by fee schedules established by State highway engineers and other clients.

It is the contractors who are in the most immediate danger. Already some States are taking on construction here and there, and if Mr. Johnson's economic theories are followed, all construction will be done by the State using State-owned equipment and State construction workers. As Mr. Johnson says, this would be less expensive, for there would be no profit and no promotion costs.

The same applies to the manufacturers and suppliers. If Johnson is right, the States also should handle the supply of materials and the manufacture of construction equipment of all types, thereby eliminating profit and promotion costs. This logically must be carried right back to the cement kilns, the steel mills, the rubber plants, the mines, and the farms, for all that profit and promotion ought to be eliminated, right back to the very source of the raw material. If the State cannot afford to pay for the profit and promotion in an engineering fee, it surely cannot afford to pay the many times greater profit and promotion costs that must, according to the Johnson theory, be included in material, equipment, and construction prices.

Unless Mr. Johnson looks upon engineering as a separate and uniquely evil aspect of the capitalistic economy, he must apply his economic beliefs to all private enterprise and call for the elimination of all profit and promotion. This would end private ownership—it would substitute "the State."

TOPEKA HIGH SCHOOL'S BELLAMY FLAG AWARD

Mr. SCHOEPPEL. Madam President, on October 13 next, there will be honored in the capital city of Kansas, Topeka, the famous Topeka High School, which will receive the coveted Bellamy Flag Award.

The criteria for selection of the winning school include the curriculum offered, the school's participation in community activities, its adequacy in meeting community needs both for students who go on to college and those who do not, effectiveness in teaching citizenship, and cooperation in working with local governmental units and community services.

The Bellamy Award, honoring the memory of Francis Bellamy, who created the "Pledge of Allegiance" to the American flag, is a meaningful gesture of which every Kansan should be proud.

I ask unanimous consent that an editorial in the Topeka State Journal under date of May 20, 1960, be included as a part of my remarks in the CONGRESSIONAL RECORD.

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

TOPEKA HIGH'S BELLAMY FLAG

Topeka High School's designation as recipient of the 20th annual national Bellamy Award is a proud mark of distinction for the school, our city, and the State of Kansas.

When a new 50-star American flag is raised to the top of the school's flagpole next fall, Topeka High will become a member of one of the most exclusive award groups in the Nation. No more than one high school in each State and the District of Columbia can be so recognized during lifetime of the State.

Criteria for selection of the winning school include the curriculum offered, the school's participation in community activities, its adequacy in meeting community needs both for students who go on to college and those who do not, effectiveness in teaching citizenship, and cooperation in working with local governmental units and community services.

In all these areas, Topeka High ranks well up the ladder, as most Topekans will agree. The Bellamy Award, honoring the memory of Francis Bellamy who created the "Pledge of Allegiance" to the American flag, is a meaningful gesture of which every Kansan should be proud. Topeka High is an outstanding example of Bellamy's vision that school's should function as training institutions for good citizenship.

Every youngster who repeats the vow, "I pledge allegiance to the flag of the United States of America * * *," increases his stature as a citizen of this country. Because of Bellamy and his inspiring pledge, American boys and girls throughout their school lives have a constant reminder of the principles upon which the Nation was founded.

The spirit of education that transcends the borders of the 50 States is evident in the ritual of all Bellamy Award schools taking part in each new award. In keeping with this tradition, Topeka High Principal E. B. Weaver, Mrs. Weaver, and two of the school's staff members will go to Augusta, Maine, this week to participate in the 19th Bellamy Award to that city's Cony High School.

Weaver's talk on "Our City, Our State, and Our School" will help acquaint our sister State of Maine with Kansans' viewpoints on today's role of education.

Then next year, on October 13, representatives of the 19 previous Bellamy Award winners will come to Topeka to make formal the distinction that adds Topeka High to the illustrious list. It will be a significant day in the history of our 91-year-old high school.

FEDERAL MARITIME REORGANIZATION

Mr. BARTLETT. Madam President, the Washington Post and Times Herald of Sunday, April 2, contained a report by Mr. Bernard D. Nossiter that the administration is to propose a major reorganization of the Federal Maritime Board. This is in line with recommendations of Dean James M. Landis, special assistant to the President.

Last December there was released the so-called Landis report, in which suggestions and recommendations concerning the regulatory agencies of Government were incorporated. In that report mention was made of the Federal Maritime Board and the report in part stated:

The Federal Maritime Board, for example, raised different organizational problems, due to the executive responsibilities it possesses and the existence of a Maritime Administrator responsible to the Secretary of Commerce. But in its quasi-judicial aspects its suffers from a lack of settled, public procedures and standards of decisions thus resulting in the exercises frequently of arbitrary powers by the staff. It places too much emphasis on bureaucratic details to the disregard of matters of large public importance. A fog

of secrecy also surrounds many actions of the board and no articulate standards seem to have developed with respect to ex parte presentations. Each agency, however, requires separate consideration and individual remedial action.

The announced proposal to reconstitute the Maritime Board should not come as a surprise to members of the Board. There is evidence of record that this has been in the making for some time. More than a year ago another article by Mr. Nossiter appeared in the Post titled "Ship Violations Laid to 'Laxity' of Board." In this report attention was given to "a little noticed House investigation"—which jolted the shipping lines. The report charged more than 300 possible violations of various Federal statutes. A major portion of the allegations dealt with secret "gentlemen's agreements" between competing lines to fix rates.

I hope action is contemplated which should in some measure, at least, correct the deficiencies of the present setup of the Board. Mr. Nossiter states it is proposed that the promotional and regulatory functions of the Board be separated. I sincerely hope this will come about. Such action is long overdue. The reorganization proposal being drafted is referred to as a "two agency solution." The contention may be made that we now have a "two agency" setup in the present organization of the Federal Maritime Board and the Federal Maritime Administration. In actuality, however, this is not the case. The Chairman of the Board serves as Administrator of the Administration and the Board is required under law to participate in many administrative functions. The line between the Board and the Administration is, to say the least, vague and confusing. Thus, too, have been some of the workings of the Board. We have, for instance, witnessed and endured new general rate increases being filed before final decision has been reached on previous rate increases.

As I have noted on many occasions since serving in the Congress as an elected official from Alaska, transportation problems have consumed much of my time and attention. We in Alaska have been singularly affected with respect to ocean shipping, which is the means by which most goods and supplies reach Alaska.

We have been in the unique position of playing a vital role, along with Hawaii and Puerto Rico, in maintaining an adequate merchant marine supported by less than a quarter million people in Alaska, and comparatively small populations in the other places named. The citizens of these areas have themselves had to foot the bill to a degree completely out of proportion by having to pay the constantly increasing freight costs. The Federal Maritime Board, in fixing freight rates, has consistently seen fit to pass along to these areas the increases sought by the companies engaged in offshore shipping.

During the past several months I have, as a member of the Subcommittee on Merchant Marine and Fisheries of the Interstate and Foreign Commerce Committee investigating problems and policies affecting shipping to the offshore domestic areas of Alaska, Hawaii, Puerto Rico, and Guam, become very concerned over the limitations and inadequacies of the regulatory mechanism, but equally with its lack of leadership and initiative in developing and promoting sound maritime services to these areas.

Investigations continued during the past year and a half by the House Anti-Trust Subcommittee have revealed widespread violations of these provisions of the Shipping Act. The general situation with respect to lack of enforcement was also commented on most cogently in a recent article in the Tulane University Law Review by Mr. Warner W. Gardner, a highly reputable maritime attorney. In tabulating the number of enforcement actions which have been handled in the 44-year period from 1916 until 1959, it found only 127 cases of regulatory proceedings, and only half of these led to any sort of regulatory order. Regulatory jurisdiction of the Maritime Board in domestic shipping has been limited to the so-called off-shore domestic trades since 1940. In that period only 42 cases of regulatory proceedings have come before the Board for attention, and less than a dozen of these have involved basic elements of economic regulation, such as determination of rate bases of the carriers and the fixing of fair and reasonable rates of return.

The New York Times of last Saturday, April 8, raised another vitally important point with respect to a weakness of the present Board. Perhaps carelessness on the part of the Board might be a better expression. The Times reported that the General Accounting Office has called on the Board or advised the Board that better bookkeeping procedures should be adopted. In the GAO report attention was called to the fact that construction differential subsidies are awarded by the Maritime Board to put American shipping companies on a par with foreign companies in purchasing of new equipment. These subsidies enable American companies to buy their vessels in the United States at the same price which would be assessed if the vessels were purchased in foreign countries, where construction costs are lower. It is alleged there has been inadequate attention paid in examination of bid details. Likewise, it is stated this inattenton to bid detail has resulted in contracts being let which have been disadvantageous both to the Nation and to the shipbuilder. A ship built in Germany, for instance, would involve lower labor costs, but, on the other hand, attention should be given to costs which in a degree tend to offset this. The factor of delivery and related costs tend to shorten the gap between the foreign-built ship and one built in an American shipyard. The Board itself has agreed its arithmetic was faulty.

In summation, we face a situation in which our Nation's shipping is operated under basic statutes both in the foreign and coastwise and intercoastal trades with one major exception—economic regulation of coastwise and intercoastal transportation.

It is apparent to me the regulatory functions of the present Board and its predecessor agencies have continually been made secondary to what seems to be regarded by the Board as the more urgent job of developing and promoting the merchant marine. Further, what attention has been given to regulatory duties has been spasmodic and of a piecemeal variety.

I earnestly hope that in shaping the reorganization the necessity of creating a strong and single-purpose regulatory agency is kept uppermost in mind. Every step necessary must be taken to assure that the primary function of the regulatory agency is carried out.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

SPECIAL TAX RULES FOR THE OIL INDUSTRY

Mr. PROXMIRE. Madam President, the New Yorker magazine has recently been treating its readers to a delightful series of articles on the great State of Texas. The author is Mr. John Bainbridge, and the second of these articles, which appeared in the issue of March 18, tells the exciting story of the oil industry which has brought so much fame and fortune to the Lone Star State.

Mr. President, I ask unanimous consent that certain excerpts which deal with the special tax rules under which the oil game is played be printed in the RECORD at this point.

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

Though identifying the players poses no particular problem, it is not easy to follow the oil game unless one has some familiarity with the special tax rules governing it. These rules, three in number, are central to the game, and together constitute its most fascinating feature to all concerned—majors, independents, investors, and spectators. Rule No. 1 permits a player to deduct 27½ percent of his gross income as "a depletion allowance," provided that this sum is not more than half of his net income. Thus, a player with an annual gross income of a million dollars may keep $275,000 tax-free, as long as this does not exceed 50 percent of his net. Rule No. 2 permits a player who drills a well that turns out to be a dry hole to deduct all the expenses of drilling it from his gross income. Rule No. 3 permits a player who drills a producing well to deduct from his gross income all the "intangible expenses" incurred in drilling the well. The intangibles, comprising items such as geological studies, equipment, labor, fuel, and testing, generally add up to at least 60 percent of the total drilling costs. The tax advantages granted by this set of rules are, of course, available to everybody—in theory, any number can play the oil game.

However, because of the high stakes and big risks, new players now come mainly from the ranks of disquieted taxpayers in the higher brackets. A person whose income is subject to taxation at 90 percent has nearly ideal qualifications for getting into the oil game, because $9 of every $10 he puts into it are what are known in financially enlightened circles as tax dollars. As Ted Weiner has explained, "A tax dollar, to put it bluntly, is the name given to money that would normally be paid to the Internal Revenue Service." Owing to the nature of the income-

tax structure, therefore, a taxpayer in the 90-percent bracket has strong inducements to play the oil game. If he wins, he may, under rule No. 1, keep from each dollar of oil income 27½ cents free of tax; to this he may add 10 percent of the remaining 72½ cents, or 7¼ cents—since his normal tax situation allows him to retain 10 percent of his income, regardless of its source—making a total of 34¾ cents. Instead of reaping 10-cent dollars, he reaps 35-cent dollars.

If a player decides to leave the game by selling his holdings, he can cash in his chips and take a capital gain, on which he will be taxed 25 percent; his reward comes not in 10-cent dollars but in 75-cent dollars. Of course, players lose much more often than they win; rule No. 2 provides for losing situations, such as the following: A player in the 90-percent bracket puts $100,000 into drilling a well, and it is a dry hole; he may therefore deduct the entire sum from his gross income. With his income thus reduced, he pays the Federal Government $90,000 less than he would have otherwise; the venture costs him $10,000. He has lost, but he has had the fun of taking a $100,000 gamble at a sensationally low price. If he has enough chips, he can continue to play, and eventually might beat the odds. The combination of rules No. 1 and No. 2 (rule No. 3, which some operators consider as important as rule No. 1, is self-explanatory) accounts for the gambit known as drilling it up; that is, the widespread practice among oilmen of spending their tax dollars on further exploration and drilling. "What do they do with their money?" Byars once said in discussing oilmen's income. "I'll tell you what they do—they put it back in the ground. Let's say 80 percent of it is lost. But you have to remember that money used like that is far from a total loss. Dry holes give us a lot of valuable geological information. Also, all the drilling and prospecting provide jobs, directly and indirectly, for thousands of people, and those people pay taxes. And, of course, the money we put back in the ground results in finding a great deal more oil, and that way we keep on increasing the country's reserves." Naturally, players who have success in drilling it up add to their personal oil reserves, which are just about as good as money in the bank.

Except for a few poor sports who consider their tax position oppressive, the players of the oil game are pretty well satisfied with the rules as they stand. The same near unanimity prevailed for many years in Congress, which acts as the game's rulemaking body. Recently, however, Congress has shown an increasing interest in changing rule No. 1, to reduce the depletion allowance. As a consequence, a lively and often entertaining debate has developed between those who believe that the present depletion allowance is fair and those who believe that, as President Truman put it in a message to Congress in 1950, "no loophole in the tax law [is] so inequitable." The controversy has so far turned up some fairly wonderful nonsense, such as Leon Henderson's classic observation: "It is an impoverished science that permits an industry to continue to drill dry holes. The wells that are going to be dry should not be drilled." The same spirit of informed reasonableness exists among partisans on the other side, such as Congressman FRANK IKARD, of Texas, who has described advocates of changing the allowance as "bomb-throwing liberals"—a company presumably including many well-known leftist bombthrowers like the late Senator Robert A. Taft, who took the view that "percentage depletion is to a large extent a gift, a special privilege beyond what anyone else can get." As usually happens in disagreements involving money, the heat obscures the light—a condition that is likely to continue. Just about every oilman regards any reference to the depletion allowance that is not in unqualified support of it as something in the nature of an insult, like aspersing his wife's virtue. "The way these ——— Communists and Socialists talk," a Houston operator said a while ago, with about average passion, "you'd think we were all a bunch of crooks, or something. The hell with those ———. We don't get a single penny we're not entitled to by law—and by plain ——— commonsense besides." As far as the law is concerned, Congress established the present depletion allowance for oil in 1926. The principle was not new then, and it has since been so widely extended that practically all the extractive industries now receive a depletion allowance.

The petroleum percentage is the highest, but the law provides a 23-percent allowance to producers of sulfur, uranium, lead, platinum, zinc, and 32 additional strategic metals and minerals, and an allowance of 5 to 15 percent to producers of many other substances, including coal, lignite, slate, peat, ornamental stone, and clam and oyster shells. Back in 1942, when Congress was considering an extension of percentage depletion allowances, Senator Robert M. La Follette, Jr., expressed doubt about "vesting interests which will come back to plague us," adding, "If we are to include all these things, why do we not put in sand and gravel?" Sand and gravel are now in, at 5 percent. The petroleum industry's percentage has remained unchanged through both Republican and Democratic administrations and in spite of the fact that efforts to reduce it were made by every Secretary of the Treasury in the 20 years before George Humphreys took office in 1953. The failure of those efforts is evidence of congressional approval of the depletion principle as well as a tribute both to the oilmen's generosity in financing an effective public-relations program and to the skill of Speaker SAM RAYBURN, a renowned Texas, who has managed to keep all measures affecting the allowance confined within the House Ways and Means Committee, where tax bills originate. "Let it out of committee," he once remarked, "and they'd cut it to 15, 10, 5 percent—maybe take it away altogether. Do you think you could convince a Detroit factory worker that the depletion allowance is a good thing? Once it got on the floor, it would be cut to ribbons."

In 1957, Senator JOHN J. WILLIAMS, a Republican of Delaware, using the simple stratagem of proposing an amendment to a tax bill that had already passed the House, brought the depletion measure to the floor of the Senate; the Williams amendment called for a reduction of the allowance to 15 percent. In the same session, Senator PAUL DOUGLAS, a Democrat of Illinois, introduced an amendment to put the allowance on a graduated scale—27½ percent for producers with an annual income of less than a million dollars, 21 percent for those with an annual income of $1 to $5 million, and 15 percent for those with an annual income of more than $5 million. Both amendments stirred up tremendous apathy.

Only five Senators besides the sponsors were willing to go even as far as to commit themselves in favor of a rollcall vote; that is, to have their vote for or against even recorded.

In 1958, WILLIAMS again proposed his amendment; this time it was turned down by a vote of 63 to 26. By a slightly smaller margin, the Senate also defeated an amendment introduced by Senator WILLIAM PROXMIRE, a Democrat of Wisconsin, that contained the graduated plan offered the year before by Senator DOUGLAS. Since then, Senator DOUGLAS has twice reintroduced his favorite amendment, and it has twice been rejected, most recently in June 1960, by a vote of 56 to 30. Among those voting for it was Senator John F. Kennedy, a fact that was not lost sight of in Texas during the ensuing presidential campaign. Kennedy's appeal to Texas oilmen was not enhanced by the Democratic platform, which pledged to "close the loopholes in the tax laws by which certain privileged groups legally escape their fair share of taxation," and went on to say, "Among the more conspicuous loopholes are depletion allowances, which are inequitable." Vice President Nixon declared firmly that he was for depletion all the way. Nevertheless, as Jim Clark pointed out early in the campaign, "Politically, the oil industry finds itself between a rock and a hard place." While the Republican candidate and platform favored depletion, Clark said, "The Democrats have LYNDON JOHNSON. Furthermore, there is Speaker SAM RAYBURN. These two men have stood like Horatio at the bridge for years defending depletion against all comers. Almost any oilman knows that without 'LYNDON and Mr. SAM' there might be no depletion provision today."

Subsequently, the two Horatios gave oilmen public assurances that they would continue at their old stand on the bridge. ("I've never heard of the 27½-percent oil depletion allowance being considered a loophole. I trust that the oil people do not consider it to be. I do not and never have."—RAYBURN. "The platform pertains only to loopholes, and I see none in oil."—JOHNSON.) The oilmen listened, but most liked the Republican talk better, and as a result, Clark said after the election, it was depletion "more than religion that almost cost" the Democrats the Texas vote. Though the consensus among oilmen seems to be that their depletion allowance is not seriously threatened at present, they continue to take frequent, full-page advertisements in Texas newspapers to convince one another that "The Depletion Allowance Is Not a Special Tax Privilege" and that "For Adequate Oil Reserves the Depletion Allowance Must Be Maintained."

To counter Senator WILLIAMS and other advocates of changing rule No. 1, the oil industry has fashioned an elaborate and highly sophisticated defense of the 27½-percent allowance. It is essential, first, as an incentive to stimulate the continued exploration for oil, oilmen say, and, second, because of what Scott C. Lambert, general tax counsel of the Standard Oil Co. of California, has called the peculiar nature of the wasting-asset character of the oil industry. "In reality," Lambert has said, "the miner or oil-and-gas producer is in the inexorable process of liquidating his capital." Every oilman has his own way of stating the proposition that the producer of oil depletes his capital asset. Paul Raigorodsky puts it this way: "Investing in oil is different from investing in office building. If you invest in building, you have it paid for in 20 years, and building is still there. In oil game, it is different. After 20 years, no oil. In building, you have capital structure.

"In oil, you have to replace capital structure. That means you have to find more reserves. To do that, you must have incentives and means. Those are supplied by 27½-percent depletion allowance. Advocates of changing the allowance, while they may be inclined to agree with this much of the case, are less impressed with the rest of the industry's defense, which is a veritable labyrinth of arguments and rationalizations of varying degrees of ingenuity.

If Senator WILLIAMS has his way, so one of the arguments runs, the independents will be driven to the wall, and the majors will become a monopoly. "If it weren't for depletion, we'd all be out of business," Michel Halbouty has said. "Take away depletion and you absolutely wipe out the independents." The industry's champions also make

much of the fact that oil is essential to national defense. "Oil, gentlemen, is ammunition," Gen. Ernest O. Thompson, commanding general of the Texas National Guard and the senior member of the Texas Railroad Commission, which, its name notwithstanding, is charged chiefly with regulating the oil industry in Texas, told a congressional committee. "In defense," he added, "oil is a prime mover. Why tamper with a system that has twice in a generation brought forth a drilling, which is the only way to find oil, and has made oil available in such quantities that we have been able to win two wars?" And so it goes. A host of shuddersome consequences are, in the eyes of the industry's champions, certain to follow any change in the present depletion allowance. "In a relatively short time," as the comptroller of the Magnolia Petroleum Co. once summed it up, with noticeable constraint, "our entire economy and the well-being of every individual in the United States would be adversely affected."

All these arguments overlook the fact that no legislation has been introduced by Senator WILLIAMS or anyone else to abolish the depletion allowance. "Eliminating the depletion allowance would be taxing capital," Erwin N. Griswold, dean of the Harvard Law School, has observed. "There would be no more sense in it than in eliminating the depreciation allowance." The Senate proposals have been to reduce the depletion allowance from 27½ percent—a figure that oilmen are fond of investing with a sacred quality, like 10 in connection with Commandments, although it was, in the first place, the result of a compromise between 25 percent, favored by the House, and 30 percent, favored by the Senate. Furthermore, those favoring a change have never minimized the petroleum industry's contribution to national defense; they just wonder whether its rewards for doing its duty have not been disproportionate.

Dean Griswold, no foe of the depletion principle, has expressed this view. "I admire its great achievements, and its great contributions to the country, its economy, and its defense," he has remarked. "But there are also many other forms of activity that contribute greatly to the country, its economy, and its defense. Why should they not all be treated the same?

"Why should the oil industry be the recipient of a tax deduction, enormous in the aggregate, which bears no relation to its costs, or to the capital invested in oil production?" The main trouble with rule No. 1, according to those who think it should be changed—a group including many economists and lawyers specializing in taxation—is that the 27½-percent rate permits an oil producer to receive tax free a return exceeding his actual capital investment. In no other industry can a taxpayer enjoy this benefit. Therefore, vis-a-vis players of the oil game, every other individual in the United States is at present adversely affected by the operation of rule No. 1, which John P. Barnes, a Chicago lawyer who served from 1955 to 1957 as chief counsel of the Internal Revenue Service, has described as "the inequality in our tax law that, in my opinion, is the most indefensible of all."

Another lawyer—Harry J. Rudick, of the New York firm of Lord, Day & Lord—has pointed out that because maximum corporate and personal income taxes have increased approximately threefold since 1926, the allowance is worth much more today than when it was adopted, and that for this and other reasons it has become an unjustified subsidy." Horace M. Gray, a professor of economics at the University of Illinois, has called the allowance a "private tax-escape device" and remarked that "the Treasury is poorer by exactly the amount by which the beneficiaries of this special privilege are richer," adding, "Other taxpayers who must make good the resulting deficiency in the Federal revenue ultimately sustain this loss in the form of tax rates higher than otherwise would be necessary." Estimates of how much Federal revenue would be increased as a result of changing rule No. 1 vary from about $200 million in the opinion of its champions, to around a billion, in the opinion of its critics. According to the Treasury Department, a reduction in the allowance to 15 percent, as proposed by Senator WILLIAMS, would create a net revenue increase of $390 million; adoption of the graduated scale favored by Senators DOUGLAS and PROXMIRE would produce an increase of $310 million.

However much the champions and the critics of rule No. 1 may differ on other matters, they are united in the conviction that no change should be made that would work a hardship on the small independent operator, who is customarily referred to as "the little fellow." The solicitude that the champions of rule No. 1 show for the little fellow is remarkable. In fact, he seems uppermost in their thoughts whenever they argue publicly for retention of the 27½ percent allowance. Perhaps nobody has been more consistently eloquent in pleading the cause of the little fellow than General Thompson. In testifying before the committee considering a reduction in the allowance, he said, "It works against the little independent, who is the fellow who finds the oil. They said yesterday that a little fellow can discover it and sell it to somebody. Why should he sell it? Why, in a free nation, could he not produce? All these companies were little at one time.

The Texas Co. started in Texas, the Gulf Co. started in Texas, and the Humble Co. started in Texas. Many big companies started there, and why can we not keep an opportunity open for the little man today? Why should he sell out to somebody else? Let him grow and prosper under the wise and beneficent law you passed here. "It is a wise law, and gives a little man a chance to live." The chance given the little man under the law was illustrated in a Senate speech in 1957 by Senator DOUGLAS, who presented figures showing the net incomes of 27 oil and gas companies and the Federal income taxes they paid over a 10-year period. The companies, which included none of the big ones, like Standard, Gulf, or Texaco, were identified only by letters of the alphabet, because, DOUGLAS said, he was "striking at the evil but not at any person." In 1954 company A had a net income of $21,029,648 and paid Federal income taxes of $1,252,000, or 5.9 percent. The same year, company E had a net income of $5,320,750 and paid no Federal income tax. Senator DOUGLAS called attention to company I, which in 1951 had a net income of $4,477,673 and paid income taxes of $404, or .01 percent. That sum, DOUGLAS observed, is "a tax bill which is lower than the taxes paid by a married couple with three dependents with an adjusted gross income of $5,600 before deductions and exemptions." Company N also had no reason to doubt the wisdom of the law; its net income for the 3 years from 1952 through 1954 totaled $7,796,359 and its Federal taxes $128,491, or 1.8 percent. As for company W, DOUGLAS said, "This is a truly interesting situation.

Here is a company, which in 1954 and 1953 had net incomes in excess of $10 million and $12.5 million, respectively, but which not only did not pay any taxes in those years; but which had net tax credits of $100,000 and $500,000, respectively. What other kind of company in America can have a net income of $10 to $12 million per year and receive a tax credit from the Federal Government? Is their incentive being ruined? Company Z was even more interesting, DOUGLAS said. "Here is a company which in 7 years has paid absolutely no taxes of any kind," he pointed out. "Yet, in those 7 years its income varied between $134,000 and $3.2 million a year. What further incentive is needed here? What more could a benevolent Government do for an individual or a company than to forgive all of its taxes?" Over the 10-year period, DOUGLAS noted, the 27 companies paid an average of 17 percent of their net income in Federal income taxes, compared with the general corporate rate of 52 percent. According to the Government publication, Statistics of Income, in 1951 depletion allowances amounting to $2,100 million were claimed by corporations. Of the total, 63 percent was claimed by corporations with assets of $100 million or more, 84 percent by corporations with assets over $10 million, and 96 percent by corporations with assets of at least $1 million. So it would seem that none of the fellows, either big or little, who play the oil game have much reason for wanting to change the rules.

DR. ALBERT BURKE'S "A WAY OF THINKING": AN OUTSTANDING TELEVISION SERIES

Mr. PROXMIRE. Madam President, in recent months a most unusual television program has attracted increasing numbers of viewers. The title is "A Way of Thinking," and it is presented Sunday evenings. What makes the program unusual is the format: One man, armed occasionally with a pointer, a map, or a blackboard, facing the cameras alone for 30 minutes, lecturing on subjects like "The Dynamics of Democracy" or "The Story Behind Laos."

What is the quality that draws more and more television watchers to this program, during a prime evening time when a variety of "popular" programs are regularly presented? The answer, of course, lies in the uniquely skillful, thoughtful presentation of the speaker, Dr. Albert Burke. He lectures with quiet confidence, documenting his perceptive analyses by means of judicious references to charts, maps, and figures.

This is exactly the kind of enlightening program that the country needs. It deserves warm encouragement.

The script of his programs cannot fully reveal the quality and power of Dr. Burke's lectures. That can be seen only by watching the actual programs, which I enthusiastically recommend. But the scripts do indicate the intellectual force of his representations, and to bring this to a wider audience, I ask unanimous consent that two of them be printed at this point in the RECORD.

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

THE STORY BEHIND LAOS

Somewhere down there is a place called Samneua. From up here it's just another jungle town. There are almost 10,000 others pretty much like it scattered across the mountains and valleys of Laos down there. From up here, there's nothing to suggest that the future will not be whatever most of us expect it to be—because there is something special about Samneua, this minute. This. What you see here is chapter 3 in the Battle of Asia, if the latest crop of headlines that began coming out of Samneua 4 months ago means that there are enough people like these throughout Laos today to see it finished this time. What kind of people are these? The most dangerous kind, to your future. They weren't dangerous to you

6 years and $300 million ago. They are now. How and why is the subject of tonight's "Way of Thinking" about Laos.

This is early 1953. The place is the frontier of Laos. Four divisions of Vietminh troops have just crossed the border into Laos. They head straight across the country, meeting no opposition, and the world waits to see what happens next. Then, the king of Laos, Sisavong Vong, waits in his capital city for the Communist-led troops to arrive. Suddenly, for no apparent reason, the four Vietminh divisions turn around and head back the way they came—after making one stop, at the town of Samneua.

There was some talk at the time this happened about what was called the "inscrutable, unpredictable" oriental mind. Why move troops all the way into the country, then out again, without doing anything? Oh well, orientals, you know. Peculiar. There was some such talk when this happened in 1953, not much; not as much, that is, as there was when, the next year, in 1954, pretty much the same thing happened. Now here was a puzzler. What in the world were those Communist southeast Asians up to with this in-again, out-again routine—after stopping off this second time in the nearby province of Phong Saly?

The years 1952 and 1953 were repeated in later reported invasions, right up to the last one, 4 months ago—and despite the recognized seriousness of what is happening at the moment in Laos, the inscrutable is still inscrutable, and the goings-on in Laos are still unpredictable: it's just a case of chaos in Laos, as several of our top weekly news magazines, newspapers, and newscasters have put it lately. How can anyone make sense out of events going on in a country that has a railroad station but no railroad: no year-round roads to get from one to another of the 10,000 Laotian towns spread out over a spread of territory about the size of our State of Kansas, in which there are less than 1,000 telephones to serve about 2 million people, with no long-distance or radio communications. And, on top of that, those names.

One way to make some sense out of events in this part of the world would be to do a little arithmetic—with that $300 million we've given less than 2 million Lao in the last 6 years. It's been pointed out by our Government that on a per person basis, we've laid out more aid money in Laos lately than anywhere else. How is it then that, as of last year, in the capital city of Vientiane, about half of all its children die before they're 10 years old. Outside the capital, where there are no medicines and no medical care, as many as two-thirds of all children are dead before they're 10. What's the explanation for the fact that almost everyone in that country to this day is sick; suffering from one or another of the results of malnutrition (just plain hunger) or malaria, tuberculosis, or parasites or skin infections. Why, after 6 years of a great deal of financial aid is Laos one of the poorest nations in the world, with only two factories in the entire country even remotely resembling industrial activity as it exists in other parts of the world (a tobacco factory and a tin mine). Why do as many as 95 percent of these people live as farmers, many of whom think the world is flat, do not know they live in a country called Laos, live today pretty much as they did several hundred years ago.

Can it have anything to do with these headlines making events that began up in places like that jungle town of Samneua, where that first Communist invasion force stopped back in 1958; and nearby Phong Saly, where that second Communist invasion force stopped in 1954? Can conditions in Laos today have something to do with the fact that every one of those Lao soldiers there has tied up in his equipment and in his training more than $8,000 of that $300 million we've poured into Laos since that important year 1953. That figure, $8,000 is low. But do some quick arithmetic. The Lao Army is supposed to be made up of 25,000 men. Eight thousand dollars for each of 25,000 men, to do this. The fact is, that as much as 90 percent of the $300 million we've given Laos so far has been budgeted to carry out the main point of our foreign policy since World War II: contain communism. Today's headlines out of Laos suggest that communism can't be contained this way. Military power alone in Indochina—9 years of it—in a country just like Laos—after we poured in $3 billion, and the French about $5 billion in francs—military power alone did not contain communism in Indochina, where chapter II in the battle of Asia was finished back in 1954. For some not at all inscrutable reasons. It won't stop the writing of chapter 3 of the battle of Asia here in this critically important place one of these days, either. Why not? Because those reasons have to do with what happened up in Samneua and Phong Saly, 5 and 6 years ago.

Chapter I in the battle of Asia was written and finished here, on mainland China, back in 1949. The way it was written, and finished, to set up a Communist power in Asia is very different, in several critically important ways unlike the story of a Communist power in Europe that grew out of the Russian revolution over 40 years ago. Critically important ways for us to understand if we are to carry out foreign policies in places like Laos right now, which will keep the next chapter in the battle of Asia from being written.

We do know something about the kind of Communist power that grew up here. It grew up pretty much in line with the thinking of two Europeans who, back in 1848, wrote this little pamphlet that changed the world—the Communist manifesto. Only a handful of Americans have ever really read this literary effort of Karl Marx and Friedrich Engels to know why containing Russian communism might work with foreign aid and military assistance programs like the one we tried to help the French with in Indochina, and the one we're still pushing in Laos—but why it won't work much longer to contain Chinese communism. The two Communist systems are not the same.

The heart of the kind of Communist revolution Marx and Engels talked about more than 100 years ago was here—in the problems of an industrialized, citified people. The Communist revolution Marx saw for the future, even a Russian future, would result from the fact that factory workers—people who had only their labor, or skills, to sell—would get fed up with poor pay, rotten working conditions, inferior social position—among a number of other things, and they would be the backbone of what Marx saw as a proletarian revolution to set up first a socialist, then a Communist society. Well, within fairly wide limits, this is the shape of things the Soviet system of Socialism tried to set up as it developed into what it is here now. But, whatever official Soviet views about Russian history before communism may be—they didn't exactly start from industrial scratch to become an industrial, Communist power. There were industries in Russia, pretty badly mangled by World War I and civil war—but it could be rebuilt.

We are an industrial, city-living people. Over 90 percent of us work in factories, not farms. Almost 90 percent of us live in what could be called urban places—cities and towns. We don't have to go along with Marx's views of the best of all possible worlds to come from this view of things here; but we do understand it. We can answer these arguments.

But these are not the arguments the Communist Chinese followed in setting up their kind of Communist state. Marx and Engels, Lenin and Stalin's way of reaching a Communist future simply couldn't be made the shape of things leading to communism in China, where the industrial workers in the cities were so few as to be insignificant: power in China was not in the hands of city people. Farmers could get along without any factory workers in China. To bring about a Communist power, Mao Tse-tung tossed out this diagram for a Communist world, back in 1927 and set up a new one—which disturbs the U.S.S.R. today only a little less than it does those Americans who can see beyond the nonsense about chaos in Laos, to the anything but inscrutable and unpredictable actions of a people pressured by a Communist power in which the peasant, the farmer is the pillar of the revolution—not the industrial worker: whether this has to do with 95 percent of the population of Laos who are farmers—or half the population of Cuba, the farming quajiro, who is now the pillar of Castro's revolution.

Despite the royal time quite a few people had back in 1949 and 1950 whaling the tar out of our State Department for—as they put it—"losing China": and trying to poo-poo the Communist claim that they were agrarian reformers—they reformed agriculture right through today's communes into a kind of power which is right now very much behind those headlines out of Laos. Those are the same people who today do not understand the problems of subsistence farmers—using an intensive agriculture with the most primitive tools—and who stick to the dangerous idea that military power is the main deterrent to communism. The Chinese Communists built their power on such subsistence farmers for the most part, with the same problems—their political power that is. For people who still think the world is flat: do not know the name of the country they live in: have been hardly touched by the 20th century—the shortcomings or evils of communism—as a political or economic system are just a bit out of their world: beyond their understanding.

And it was into their world in Laos, back in 1953 and 1954, that this man sent those early Communist invaders. His purpose was anything but inscrutable, or unpredictable, to anyone who knew that he was backed by a Communist China whose purpose was then—as it is now—to see the spread of its Communist system around Asia first, then the world. The 1953 expedition set up revolutionary government under Communist Prince Souphanouvong in their town of Samneua. The 1954 invasion group spread his power in Phong Saly. In both these northern places, what amounted to a political army was left behind. They immediately set up political schools, from which flying squads of organizers moved into the villages to start what are known today as Pathet Lao cells (Communist cells). In doing this Nguyen-oi-Quoc there, who wrote chapter II of the Battle of Asia by beating the French in Indochina in 1954—Nguyen was simply repeating his own, but particularly Chinese experience in the time they were building their power, and preparing to take over mainland China. From North China, China's Communists did, before they finished chapter I in the Battle of Asia, what Prince Souphanouvong began doing in northern Laos in 1953 and 1954: to make those people you saw at the start of this session in that town of Samneua deadly dangerous to you. How—after a breather.

The time is May 21, 1958. The place is Vientiane. The shape of things to come in Laos is about to shock the Government of Laos into drastic anti-Communist measures—and, also for the first time to use some of the money received as the result of American aid to do something for the farming people. The spark for this is the fact that Communist Prince Souphanouvong—just taken into the government as part of a

newly set up coalition—has come out on top of the list of all candidates running for government office in the national elections to come. His Pathet Lao (Communist) backed political party and its allies won 13 of 21 seats in the new parliament. Prince Souphanouvong was in a position in 1958 to finish chapter II in the Battle of Asia then, and there—legally—as the choice of the Lao people.

A shocked prime minister saw that possibility, and that was the end of the coalition government in Laos. He also saw more than that. He saw what Chinese Communist political organization could do—through the trained specialists who, by May, 1958, had set up Communist cells in most of the villages of central and southern Laos in addition to those in the north. Each cell was broken up into groups of 5 to 10 families, which would meet once every 4 or 5 days. At these meetings they were told the ruling Government of Laos is the same small group of Western trained and educated men who had never done a thing for them. The money they got from America went into an army to protect them—to keep things as they were: an army the Lao economy couldn't even support. Every month the payroll for the entire Lao Army came from the United States. What was needed was—revolution. Throw the collaborating royal family out. You have a right to enough food, medical care, good housing, clothes, better tools and machines. We will get you these things. By the elections of 1958, a political awareness was growing among people who were tired of the years of war Laos had known; American arms and weapons didn't impress them. They saw, or heard, nothing about freedom and democracy as an alternative to communism. What they heard, what they wanted, gave the Communist prince the greatest number of their votes in that May election.

That May election, and the breakup of the Lao coalition government immediately afterward leads directly to today's crisis in Laos. The Communists knew chapter III was in sight. So did the then Prime Minister, Phoui Sananikone. He bought and passed out shovels and hoes by the thousands. He promised several very specific reforms—the most important of which was to be a minorities policy providing for equal—for better treatment for minorities in Laos than they had ever known. If these reforms had worked—if what came to them hadn't been too little, and too late—if there were enough American pioneers left who would be willing to spend months, even years if necessary, away from the hot and cold running comforts of the capital city's hotel, and had the knowledge and the language ability to explain just how the things we say we believe in: the freedom, and saving, and risk-taking, and ingenuity, and capital and integrity: how these things might be used to do for them what these things did for us—the explosion rocking toward chapter III of the battle for Asia in the critical place, heading into 1961, just might have been held off.

Travel still moves. It's important to stress that word "still." The age of rockets and intercontinental ballistic missiles has not changed the importance or significance of sea routes, and air routes. Coal, and iron, and tin, tungsten, molybdenum manganese, cobalt, titanium and a long list of other things, all are still carried in the bottom of ships traveling the world's sealanes, draining through three particularly important bottlenecks, Panama, Suez, and the straits of southeast Asia, the Moluccas, Sunda and Torres Straits. This map may not tell that story—but strangle world trade at these points—particularly this one: and a peasant-supported Communist society sits back to watch factory-worker supported, capitalist-industrial societies suffer, and strangle. It's a long, costly way around Australia, Africa, and South America—and rough: Chapter I, China. Chapter II, Indochina. Chapter III? Laos—to bring this about?

The words have been used before. So many times, they've lost their punch. But as in few cases before—this Laos business is critical. For the reasons we've covered, which are important. But reading about Laos the past few weeks—stands head and shoulders above the rest. That one reason is—that Laos poses the most important question of our time. Are half-measures enough to keep the world the kind of place in which our children will not—as both the Soviet Union and Communist China are convinced they will—live in a Communist future? Will, for example moving aircraft carriers and troops into Laos now—will bullets and bayonets answer the questions about better lives Lao are asking today, after having been worked over for 6 years by the Communists to make them aware of such things?

There is no time left for half measures: another word for which is "easy answers" $90 billion poured into half measures since the end of World War II has done no more than delay the spread of communism. Three hundred million dollars in American arms in Laos have not killed a single Communist idea. All arms can kill are people, not ideas.

We did not win World War II with half measures or easy answers. We can't win a free future for the world in today's kind of peace with half measures either. No formula—no new answer is needed to do what has to be done to correct the lesson of Laos—which is that there are no easy answers to the problems of Laos. Military answers are half answers—necessary answers—but not those to answer the needs and desires of these people. You with full stomachs must make the effort to understand the needs and wants of people like these with empty stomachs. You with warm homes must know the problems of people like these with no homes. You with healthy bodies must know their problems with sick ones. Why? Because freedom today is indivisible. The opportunity to know freedom won't exist for you unless it exists for them.

DYNAMICS OF DEMOCRACY—PART IV

Once upon a time, a Hindu wise man asked heaven for the right to make living men out of clay—to serve him. He was given the right, and they served him. But—he was warned by heaven that he must not allow his men of clay to grow too large—or he would no longer control his servants. So—when they grew as large as he, the Hindu wise man would write the word "dead" on their foreheads and they would crumble into dust.

For many years the clay men served him well—and the wise man grew rich—and careless: when one day he neglected to write the word "dead" on a fully grown servant. When he tried to correct his mistake, it was too late. The servant was too tall. His hand could no longer reach the servant's forehead. This time, it was the clay man that destroyed the wise man. A very old story out of India, where 2,500 years ago, men living in the earliest known democratic republics were telling stories about the risks men must face when they are given rights—but fail to use them responsibly.

A very old story—but very much a part of your affairs this minute, as we will get into this later on tonight—in a way of thinking—about part IV of the series, "Dynamics of Democracy."

Somewhere among the 300,000 parts that go into one of these things, there is a small coil of wire. It's connected to a relay in this missile's brain—its guidance system. Once that blastoff gets it off the ground—that guidance system will go into action to steer that $1½ million machine to a point out in space where it can toss a satellite into orbit.

That is, normally the guidance system in these things will go into action to do that job. This time it didn't. That little coil of wire connected to that relay—worth about $2.60—had a break in it. The electrical signal that should have reached that relay in the guidance system never got there. This was the result. This big project failed because somewhere a little part failed.

Big projects and little failures that can wreck them was the topic for the lead story in the copy of a British magazine I have here. It's an angry story, because the British are completely disgusted with the attitude of certain nations that cannot see—as this writer puts it here—that the most important problem in the world is to contain Russia. The big project the British are concerned with is protecting the future for freedom in the world against Russian imperialism: a project which will fail unless every country with an interest in freedom comes to its defense against the growing power and influence of a Russian empire. No nation can claim to be neutral in this big project. No nation interested in freedom can afford to trade with the Russians—to in any way aid them in their aggressive designs. Does all this sound familiar? Well. The familiar-sounding stuff was written 109 years ago in this issue of Blackwoods magazine. And the country this angry article was written about, was the United States. Back in 1852, Americans apparently had other, more important things to be concerned about than the power-politicking of Britain and Russia to decide which would be the leading power on earth. Americans hadn't been a free and independent nation too long—our economy was just starting to roll, into the "good life" we were to know—we were all wrapped up in fighting the Indians, the Mexicans; in clearing our forests, opening new farmlands, pushing the frontier west. We wanted to trade—with anybody who would buy our products, and sell us the things we needed to develop our country. We were neutral in that squabble between the two great powers back in 1852. We wanted no part of it—when we were at that point in our history where most of the world is now. That is an enormously important point to get straight now, as we take off into this big project started as one of President Kennedy's first efforts to protect the future for what we mean by freedom in the world, in our time. This is what some 1,000 young Americans may be doing in places all over the world by the end of the year—working on large-scale construction and industrial projects—helping to increase the food supply in what we call the world's underdeveloped places—tackling the problems of public health in those places, where disease is still widespread—serving in local governments, to help set up the kind of political organization needed to push economic development—and teaching, all kinds of things, in classrooms from the lowest grades right on up to the highest in the universities. This will be one of the most important projects in our history—as we put the dynamics of democracy to work to start doing in Asia, Africa, and South America what, until now, those dynamics have done mainly here at home.

It's an important project, and risky. It can easily be the riskiest project in our history, if the kind of world those 1,000, or however many Peace Corps-ites, are sent into, isn't understood to be the kind of place we once were, back when this article was published in this magazine. The kind of place in which people are just about as interested in our power-politicking with a Soviet Union today to decide which will be the leading power on earth, as we were unconcerned about this only yesterday between

an imperial Britain and an imperial Russia. The kind of place in which there will be little patience with a Peace Corps used as just a new kind of gimmick in our cold war with the U.S.S.R. We force people who come to propagandize us today to register as foreign agents. We keep a sharp eye on them. We aren't particularly happy to have them around any more than Iranians, Indians, or Indonesians are. Not understanding this can be the little failure that destroys the big project behind the Peace Corps.

The Peace Corps is a vital idea. Long overdue. It can do more to protect the future of freedom in our time than anything we've tried to do so far. It can, if what it does is geared not only to where Iranians, Indians, and Indonesians are in history (back where we once were), but geared also to what those people are. What the people are, for example, who heard that man, when he spoke from a balcony overlooking a central square in Teheran, in Iran, back in April 1951. It was an important speech. It could have changed the future for freedom in the world against us. But few Americans know this to this day. Not that we didn't get Dr. Mohammed Mossadegh's message that April day 10 years ago, when he was the Premier of Iran. Kick the foreign exploiters of our land out, was the message. Take over the oilfields now run by foreigners. Nationalize the oil industry. Why let Englishmen, or Americans, or any Europeans milk Iran of this wealth, these resources? Iran's wealth for the Iranians. Out with the foreign domination. That was the message, and things went that way. The Azerbaijan refinery there was taken away from the British. England and Europe, using a great deal of the oil turned out by this place, were hit by the crisis. Crises that affected everything there from factories to battleships. Great powers, remember, are great powers because of oil today. Without it, they are not. We got the message, but, as the newspaper clippings which tell about that event make clear, we found it very hard, dangerously hard, to take Dr. Mossadegh seriously. This clipping calls him a ham, a clown. This one pokes fun at him for what it calls his histrionics, mainly bursting into tears, weeping and wailing in public during his speeches. This news story describes him as a plain fraud, and his actions as soap opera stuff. The man, according to these reports, was obviously a phony. Anybody could see that.

Anybody, that is, who had never heard of Hasan and Husain—the prophet Mohammed's two grandsons. To all Shiite moslems, they're martyrs to the faith. There wasn't much in the training of Americans like these newsmen to prepare them for one of Dr. Mossadegh's speeches—which to the average Shiite Iranian was the surest sign of a man's conviction and sincerity—carried over from the religious services of the Shiites during which public weeping and wailing shows honest and sincere grief over the martyrdom of Husan and Husain. The same kind of carryover from religion in our civil affairs, as we go through to show our sincerity and honesty in swearing-in ceremonies. The same, but different—in ways that made Americans underestimate Dr. Mossadegh's power in Iran, completely. From newsmen to readers, we hadn't been prepared for the facts of life in that part of the world.

A situation that hasn't changed much since then. Which bears hard on what the Peace Corps in particular can do to protect the future for freemen. What it can do must make sense to Iranians, Indians, and Indonesians. To know what makes sense to them is a matter of education. Old topic—but with a critical twist now; because it's the kind of education our schools and colleges not only have not passed on to the age groups with college training Mr. Kennedy hopes to see as the backbone of the Peace Corps—but it's the kind of education they're not able to pass on to them now. The real key to the success or failure of the big project behind the Peace Corps, is the kind of training those young people will need to do their work. The Nation hasn't been faced with the fact yet—but what this means is the same great change in American education, as the Peace Corps is a great change in American foreign policy. Mr. Kennedy will have a much easier time pushing that change through our Government, than he will pushing it through the deans, department heads, and solidly vested interests that are American education today.

This fact can be the little thing that destroys the big project. Throughout our history, Americar education has worked to fit the student to an American environment. Now, a very different kind of education is needed. One that will fit the student to a world environment. It means revolution on the campus. Go through any catalog of courses, for any of our top educational institutions, to see how poorly our best classrooms are to handle this new job. In what classroom can young people learn what Shiite moslems consider to be sure signs of honesty and sincerity, as an example of the kind of things we must be taught before we can begin to teach Iranians—or anyone else. The problem is, an American educational system not geared to the realities of the world we live in—only part of which realities are out in the rice paddies of Burma and the cornfields of Bolivia. There is this part of those realities, too—this letter from a young American in your community—which we will get to in just a moment.

The time is mid-1960. The place is the White House Youth Conference, in the Nation's Capital. For about a week, 9,000 delegates gathered here in Washington, D.C., to talk over the problems that face young people in today's America. In one of the sections of this conference, set up to deal with problems in American education, something happened on the second meeting day to pinpoint the matter of an American educational system not geared to some very basic needs of tomorrow's Peace Corps, or the realities of the world today's young Americans live in.

What happened was that a young Korean boy, attending that section asked a simple question. He had been in this country for 3 years he said, was just completing high school, and in a few weeks would be heading home. He had been bothered for some time by a question he hoped that group might help him answer. His question was, What was democracy? Oh, he'd seen the way we lived up close, from supermarkets through symphony concerts and TV westerns. But this didn't explain to him what our democracy was all about. He was sure to be asked about this when he got home. His friends were very interested in democracy—just how interested his high school and college friends made very clear last year when they threw Syngman Rhee out of the government. Could we help him?

It was a simple question. It had anything but a simple result. The next 2 days were spent trying to define our kind of democracy—without, at the end—settling for an explanation that really satisfied anyone. I was a member of that group, and was reminded of that incident the other day, when I received this letter from a high school student who could be from your own community. I'd like to read you this part of it: "We have been discussing your programs about dynamics of democracy in my social studies class. After yesterday's class meeting, we decided to write to you to ask your help in answering some questions we could not seem to answer. We know we live in a free country, and we have a democratic government, but we don't really understand it. First of all, What is democracy? What does it have to do with freedom? Our teacher says that freedom is possible without democracy and that democracy is possible without freedom. Would you talk about this on your program?" and there is more. From a young Korean visitor in our classrooms, the question. From a young American in our classrooms, the question. But in those classrooms, apparently no answer. Why not?

In very large part because Mr. Jones—who lives in Middletown, U.S.A.—where, several days after that White House Youth Conference, I spoke to a dinner meeting and told the story about what had happened there. I ended my remarks by asking that group to consider the problem. Did they have an answer to the question, What is democracy? Do you have an answer?

Mr. Jones didn't like the story. He got up to inform me that, in the first place, he saw no great need to be concerned about answering that Korean boy's question; and in the second place, no one with a grain of sense would try. Democracy, he said, was a generality. It was an abstraction like liberty, love, or religion. It couldn't be defined.

It's a very short distance from Mr. Jones to the classrooms in our Middletown, U.S.A.—where things like democracy, liberty, religion, and love, too—are treated as abstractions, and are not defined. But it's a very long distance from Mr. Jones to this day, and these men—June 11, 1776, when Robert Livingstone, Roger Sherman, John Adams, Ben Franklin, and Thomas Jefferson began their work as a committee to do what so many Joneses in today's America believe cannot be done. With the Declaration of Independence they began to define the form and functions of our democratic Republic. In that paper—in the Articles of Confederation—in the Federalist papers—in their personal writings—they had some very specific, definitive things to say not only about a democratic republic, but about things like liberty, and religion, too. The Joneses haven't read them lately.

There is an answer to the Joneses argument. A man who has lost his liberty knows it is very real—and no abstraction. A man denied the right to worship his God knows religion is not intangible—is no abstraction. A man or woman without love knows he or she is not without abstractions. Democracy is real. The trouble is some people must lose these things before they really understand this—and it was because of such people, amongst us, that we began this series of programs on the "Dynamics of Democracy" with a speech of Abraham Lincoln. The one in which he warned against such people amongst us who cannot preach democracy, cannot practice it, cannot defend it, and above all, as Mr. Lincoln put it, cannot meet this greatest obligation as adult Americans: to pass on to young Americans an understanding of respect and love for our way of life.

There is an answer to the question raised by that Korean boy, and the American high school student, too—and no greater need facing us right now than that they be answered through the classrooms of our schools and universities. From those in your own community, to those in the East-West Institute out in Hawaii—as never before in our history, the future for our kind of democracy and freedom depends upon how well we explain ourselves to others, and to ourselves. And as never before in our history, whether or not we can do this depends upon the Joneses and Smiths and Johnsons and Burkes and the rest—in the communities, which still, despite all other changes in our way of life, effectively decide what

can be taught in our classrooms. What can be taught there—to answer these questions—in a moment.

Our kind of democracy is unique in history, mainly because our kind of freedom was unique. Our kind of freedom was half space, and half stuff. Uncluttered livable space, in which there was no government until we brought it in. Plenty of rich stuff, out of which to build a competitive, free enterprise system after we brought the government in. These were unique conditions. Our kind of democracy would have been impossible without them. If you doubt this, put those original 13 American Colonies down just about anywhere else on earth. To keep it simple—to take them from the east coast of North America, and put them down on the east coast of Saudi Arabia. And allow those people to have the same history, the same ideas, the same culture they had when they left Europe to head for the New World. Would they have been able to build our kind of democracy here—where there is very little livable space, to this day, and little or none of the variety of rich stuff that let us do pretty much as we pleased in working out our way of life in North America. No coal, or iron, or copper, lead, zinc and the long list of things that were here to make us what we are today—but are not here. Any rugged individualists in the oasis farming places throughout this part of the world? Hardly. Paul Bunyan—the rugged individualist—would be run out of any of these oasis towns on a rail. He'd be dangerous here. Here people cooperate to survive.

The story of our kind of democracy, and our kind of freedom is all we've covered in this series of programs—from Jeremiah the prophet, the first individualist in our religious history—through the right to question and dissent as the cornerstone of our way of life—to the ideas about private enterprise and capitalism that grew out of our kind of political democracy: all that against this background of space and stuff. And all that, from the taking of responsibility by the first individualist, to the Peace Corps—all that based on the risky idea that the power to govern, and control human affairs was safest in the hands of the greatest number of responsible individuals.

LOWELL MASON'S GRACE

Mr. CARLSON. Madam President, 25 years ago Lowell Mason invited several of his friends who were members of the executive, judicial, and legislative branches of the Government to be his guests at a luncheon on the opening day of the Washington baseball season, and has continued the practice since that time.

At these luncheons Lowell Mason offered grace, and this year he repeated the grace which was given at the first luncheon 25 years ago.

I ask unanimous consent that it be printed as a part of these remarks.

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

LOWELL MASON'S GRACE

Eternal Father, not because we know how to ask rightly, not because our lives are worthy, do we pray to You this day.

We pray for Thy presence at this gathering.

As these leaders of men partake of food and fellowship, make us aware, this is the way it should be with all men to find happiness in each other's presence.

And yet to also find unrest deep enough within us to make Thy word a reality.

Teach us not to abandon in days of frustration, the ideals and aims we acquired in moments of high resolve.

Grant us faith stronger than circumstance and courage greater than our fears.

Only by these things can we make Thy presence meaningful. Amen.

TOURIST TRAVEL

Mr. CARLSON. Madam President, tourist travel in the United States has developed into big business. During recent months the tourist gap, which is the difference between spending by American travelers abroad and outlays by foreign visitors here, has further widened.

Tourist travel is not only of importance to the Nation as a whole but also is of importance to our individual States, and is a problem to which we must devote more time.

Recently the Senate approved the Magnuson bill, which during the past few years has received the support of both President Eisenhower and President Kennedy and is another part of a major effort on our part to attract foreign visitors.

Kansas, under the able leadership of Gov. John Anderson, has set out on a program that may well prove to be the first of its type in this Nation, in urging foreign tourists to visit Kansas and get a glimpse of what it is really like to be an American and a Kansan. This State program, sponsored by the Governor, could well be the beginning of a great program by the States, cooperating with the Federal Government, to greatly expand the number of our foreign visitors.

I stated that travel is a big business. The spending by foreign travelers in the United States increased from $900 million in 1959 to just under $1 billion in 1960. At the same time Americans traveling abroad increased their expenditures from $2,400 million in 1959 to $2,700 million in 1960.

During recent months there has been much discussion about the heavy demands upon American gold, as a result of dollar spending in other nations. A shift in tourist trade and expenditures would improve this situation materially.

Canada and Mexico contributed most to travel in the United States; $470 million were spent by Canadians and $180 million by Mexicans.

We need to spend more time in promoting European travel to the United States. We are making some progress. Europeans spent $98 million in 1959 and $125 million in 1960.

I ask unanimous consent that a press report on the Kansas program, written by Ron Kull of the Topeka Daily Capital, be printed as a part of these remarks.

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

Kansas said "howdy" to the world today, and set out to prove that it means it through a unique program that will be the first of its kind in the Nation.

Gov. John Anderson, Jr., in setting the stage for his new "Meet the Kansans" program, issued an invitation to a foreign visitor—name and nationality unspecified—to come sit a spell with him at the executive mansion.

Anderson urged all Kansans to follow his lead in opening their homes to foreign tourists—to give them a glimpse of what it's really like to be an American, and a Kansan.

Andersons' program, which may be adopted by many States, will seek to implement President Kennedy's previously announced plans to encourage foreign travel to this country.

The Governor immediately named a 15-man committee to put his plan into action.

"I believe this is a wonderful opportunity to demonstrate our friendliness on a person-to-person basis," Anderson said. "Here is an opportunity to show people from other parts of the world our greatest resource—our friendly people."

Anderson asked persons wishing to entertain foreign guests in their homes for an hour, a night or a weekend to contact their local chamber of commerce office. If they wish, they may specify a visitor having similar professional or business interests to their own, he added.

For example, if an attorney from Paris is planning a trip to this country and wants to meet a Kansan with similar interests he will be able to contact his local travel agency, steamship line or airline and make his wishes known, specifying which part of Kansas he wants to visit.

The transportation agent will in turn contact the Kansas agency and make complete arrangements for the trip.

"I believe this program will prove to be educational and beneficial both for Kansans and their foreign guests," Anderson said.

He said the Meet the Kansans program will be publicized on a worldwide basis, through foreign news media, travel agencies and transportation companies.

Members of the committee, who will spearhead the drive, are Frank Kessler of Wichita, chairman of the Kansas Industrial Development Commission; Tom King of Topeka, representing Kansas travel agencies; Stewart Newlin of Wellington, president of the Kansas Press Association; Thad Sandstrom of Topeka, president of the Kansas Radio and Television Broadcasters Association; Merle Goddard of Liberal, president of the Kansas Chamber of Commerce executives; Carl Suderman, president of the Kansas Chamber of Commerce.

Henry Jameson of Abilene, in charge of chamber of commerce tourist activities; Maurice Fager of Topeka, chairman of the Kansas Centennial Commission; Wayne Matlock of El Dorado, president of the Kansas Jaycees; Howard Wilson of Sharon Springs, president of the Kansas Board of Agriculture; James Yount of Bonner Springs, executive vice president of the Kansas Federation of Labor; Mrs. Wilbur Marshall of Leon, president of the Kansas Federation of Women's Clubs; Mrs. Velma Wooster of Hays, president of the Kansas Federation of Business and Professional Women; Dr. Ned Burr McKenney of Topeka, president of the Kansas Council of Churches, and Maj. Gen. Joe Nickell of Topeka, Kansas adjutant general.

THE PRESIDENT'S DECISION TO TERMINATE DEVELOPMENT OF THE NUCLEAR-POWERED AIRPLANE

Mr. CHURCH. Madam President, on March 30 the senior Senator from Maine [Mrs. SMITH] made a statement on the floor of the Senate about the closing of a major defense facility in her State. The Senator from Maine noted that the easy course for her to take, politically, would be to register a vigorous protest, to point out that the decision adversely affecting the economy of her State was

made by a Democratic President, and to make a political attack on the decision of President Kennedy.

But in all good conscience—

She said—

I cannot do this, for this would simply be playing politics with our national security, our national defense, and our taxpayer's dollar.

A similar situation has arisen in Idaho, as a result of the President's decision to terminate development of the nuclear powered airplane. Unlike the Senator from Maine [Mrs. SMITH] the Governor of my State, who is also a Republican, promptly demanded that I intervene with the President to obtain reversal of the decision, because of its adverse economic impact in Idaho. As a study in contrast, I ask unanimous consent that two telegrams sent to me by Governor Smylie may be printed at this point in the RECORD, together with my reply to the Governor, following the text of his telegrams to me.

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

BOISE, IDAHO, *March 29, 1961.*

HON. FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

Urgently request that you take leadership in asking for conference with President Kennedy and the Idaho delegation to Congress to request reexamination decision announced yesterday to abandon the atomic-powered airplane. If the decision is carried through it seems apparent that there will be a job displacement in the upper Snake River Valley of nearly 500 persons. Economic loss in payrolls alone will range in millions of dollars annually. The economic impact of the decision on the area could well be disastrous. I realize that technological decisions such as this involve scientific considerations but it is hard to believe that 10 years of experimentation and the investment to date should now be abandoned.

It is the on-again-off-again approach that slows these developments. I am confident that you can delineate to the President the depressing effect that his decision will have on the economy of east Idaho, and the State as a whole. This, added to depressed situation in timber and mining industry, will have a most crippling effect. Earnestly request you do all possible to secure reexamination and revision of yesterday's decision. Have wired DWORSHAK, PFOST, and HARDING this same effect and have expressed concern to the White House direct.

Regards and good luck,

ROBERT E. SMYLIE,
Governor of Idaho.

BOISE, IDAHO, *April 4, 1961.*

HON. FRANK CHURCH,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

Reference is made to my wire of last week relative termination of nuclear aircraft propulsion work at National Reactor Testing Station, Idaho Falls. Permit me once again to urge that you take immediate action to secure review and revision of announced Presidential decision to terminate this work. If the decision was bottomed on a desire for economy in Government, sentiment here indicates that it is ill advised. It would be tragic if the Russians flew an atomic airplane first and it would make the resultant decline in our prestige abroad comparable only to that which accompanied launching of the first sputnik. I cannot overemphasize the effect on employment throughout east Idaho. Layoffs are already occurring in substantial numbers and the effect of those layoffs will soon commence to cumulate. This, of course, runs counter to announced administration policy to shore up economy with defense spending. A clear statement of policy for the reasons underlying the decision would be helpful. If Idaho must be deprived, then we should set to work cooperatively all up and down the line to secure replacement contracts at Idaho Falls that will put these people back to work. This is an extremely serious matter. The investment at Arco could easily become another naval ordnance problem such as exists at Pocatello. We must not let this happen if it can possibly be avoided. Please let us know how we can be helpful in securing revision of the decision or replacement of the contracts.

Regards,

ROBERT E. SMYLIE,
Governor.

HON. ROBERT E. SMYLIE,
Governor,
Statehouse, Boise, Idaho:

This is in reply to your telegrams urging me to take the lead in asking President Kennedy to reverse his decision to strike the nuclear powerplant and airframe development project from the defense budget. You have called upon me to make this appeal because the President's decision—to use your words—will have a depressing effect upon the economy of east Idaho.

On March 15, 2 weeks before receiving your telegrams, I advised the President of the economic distress that would be felt in the Idaho Falls area if the project were discontinued. I reminded him that east Idaho had already suffered a serious setback in 1959, when the Eisenhower administration shut down the naval ordnance plant in Pocatello. I was assured that the President, mindful of our economic interests, would not terminate the project, unless overriding considerations for the national welfare required him to do so.

In making his decision, the President has had the benefit of the best technical and military counsel. He has noted that a nuclear-powered plane—even if one could be perfected within the next few years—would have lesser speed and altitude capability than conventional aircraft presently in use. Furthermore, as he has stated, nearly 15 years and about $1 billion have been spent on the attempted development of a nuclear-powered aircraft, but the possibility of achieving a militarily useful aircraft in the foreseeable future is still very remote.

Considerations of this kind led former President Eisenhower to recommend a severe curtailment of this project, before he left office. His January budget cut the level of the effort in half, by limiting the scope to only one of the two different engines under development, although not indicating which one.

In making a more definite decision, President Kennedy claims a saving of an additional $35 million in the defense budget for fiscal 1962, below the figure previously reduced in January, and the avoidance of future expenditures of at least $1 billion, which would have been necessary to achieve first experimental flight.

Because I share fully your concern about employment levels at the National Reactor Testing Station near Idaho Falls, I am urging the AEC to assign new projects to Idaho. Senator DWORSHAK, who is a member of the Atomic Energy Joint Committee, is taking similar action. President Kennedy, in making his decision, transferred to the AEC the mission of carrying forward scientific research and development in the fields of high temperature materials and high performance reactors, and I am given reason to believe that the experimental phases of this work will be centered at the testing station in Idaho.

In these ways, I will do all I can to protect the legitimate interests of Idaho, in tempering the impact of the President's decision. I cannot, however, ask him to reverse a decision he has taken in the national interest, based on the best military and scientific advice available to him, simply because a portion of the money saved would have been spent in Idaho.

Congressman HARDING has asked me to advise you that he concurs in this position.

Senator FRANK CHURCH.

VIEWS OF THE ATTORNEY GENERAL OF THE UNITED STATES

Mr. CHURCH. Madam President, in an interview with Peter Maas, a staff writer for Look magazine, the Attorney General of the United States has provided extraordinarily frank and engaging answers to a series of questions about his motivations, intentions, and long-range objectives. They make fascinating reading, and I ask that portions of the interview, which was published in the March 28 issue of Look magazine, may be printed in the RECORD.

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

ROBERT KENNEDY SPEAKS OUT ON CIVIL RIGHTS, WIRETAPS, ORGANIZED CRIME, ANTITRUST SUITS, AND SUBVERSIVE ACTIVITY

(By Peter Maas)

Few forays of President John F. Kennedy along the borders of the New Frontier raised more of a ruckus than the choice of his brother Robert for Attorney General. The President told me, "They tried to make a Federal case out of the fact that Bobby had no courtroom experience. The basic requirement for the job is not that at all. It is the ability to administer a great department. In 1952, when I first ran for the Senate, we were in a tough fight. It was essential that we set up our own organization in every community across the State. My campaign manager had a pretty rough time trying to do it. Then Bobby came in and did the job in 3 weeks. In planning, getting the right people to work and seeing that the job is done, he is the best man in the United States. That was the big difference between our campaign last fall and Adlai Stevenson's in 1956. I didn't have to worry about anything except what I was going to say, which was enough of a challenge. He brings these same assets to the Justice Department."

Bobby hesitated for weeks before accepting the post. "I knew that if I were going to do an effective job, I was going to be unpopular in some areas," he says. "Everything I did would rub off on the President." By December 15, he had concluded that the potential burden on the White House was too much. After a breakfast meeting that day with his brother, however, he accepted the job.

"I told him I had made up my mind and didn't want to talk about it any more," the President said recently. "I also reminded him that every danger is an opportunity." On the following pages, Robert Kennedy tells how he plans to take advantage of that opportunity.

"Why did you accept the post of Attorney General?

"I wanted to be part of the Government at this time. We face a tremendous challenge. The survival of our country hinges on the

success of this administration. I think we have an enormous potential in the United States. It was proved at Valley Forge, at Belleau Wood, and at Tarawa. Now, this administration has a great opportunity to mobilize the same spirit again. If we don't, it would be almost a betrayal of the election.

"As Attorney General, what areas of law enforcement do you now intend to emphasize?

"The area with which I have had the most personal contact is organized crime. We intend to give a good deal of emphasis to it.

"The whole area of civil rights is extremely important. I think it is going to be the most difficult problem, because of the emotional factors involved. This is not a field in which I have had a great deal of experience. It is therefore getting my immediate attention. Juvenile delinquency is also a matter of deep concern to me. I believe the Federal Government can do more to develop a higher degree of competency among all agencies which must deal with this situation. We are working with the Department of Health, Education, and Welfare to do just that.

"Another major interest is the antitrust field. We have a tremendous responsibility to examine concentrations of power which adversely affect our free-enterprise system. We will be spending a great deal of time and effort in this field. We also intend to keep a particularly close watch for evidence of side deals and other forms of collusion between labor and management which deprive rank-and-file trade unionists of their rightful benefits or give certain businesses an unfair competitive edge.

"There is another area in which we will devote considerable time and effort. I have a strong feeling that the law especially in criminal cases, favors the rich man over the poor in such matters as bail, the cost of defense counsel, the cost of appeals, and so on. We have appointed a study group to see what can be done to make the law more equitable in this respect.

"You have often urged the creation of a National Crime Commission. Will you use your office to press for its establishment, despite objections raised in some quarters?

"One of my objectives in recommending the creation of a National Crime Commission was to get a better way of pooling all the information there is about the activities and movements of known criminals.

"Hoodlums and gangsters have been able to slip into various sections of the country and take over legitimate enterprises before a community has any knowledge of it. This is because we have not had what amounts to any central intelligence bureau covering their activities.

"Organized crime is a tremendous blight all over the country. It drains off millions of dollars of our national wealth. Its corruption pervades labor leaders, businessmen, and public officials receptive to easy money. It steadily saps the moral vigor of our society, and in the end, it can destroy us.

"Piecemeal operations against organized crime obviously have not worked. Today, the menace is greater than ever. Working closely with J. Edgar Hoover and the FBI, we are coordinating the investigation of known criminals and getting all the information about these people that is available from all Government law-enforcement agencies, including the Internal Revenue Service and the Bureau of Narcotics. If this is done well, as I expect it will be, a major step will have been accomplished toward resolving what was one of my prime reasons for advocating the National Crime Commission.

"Do you envision any other steps now against criminal elements?

"Yes. We are going to take a new look at the income-tax returns of these people, to spot the flow of crooked money. I have been criticized on the ground that tax laws are there to raise money for the Government and should not be used to punish the underworld. I think the argument is specious.

"I do believe that tax returns must remain confidential. But I also recognize that we must deal with corruption, crime and dishonesty. In this respect, we will analyze each case on its own merits. Our guide on this—or any other matter—is to administer the law fairly.

"What is your basic attitude about civil rights? Specifically, what is your position on a movement like the sit-in demonstrations?

"As far as the sit-ins are concerned, my sympathy is with them morally. It is also my fundamental belief that all people are created equal. Logically, it follows that integration should take place today everywhere—in schools, playgrounds and so on. But those of us who believe this must realize that, rightly or wrongly, other people have grown up with totally different backgrounds and mores, which we can't change overnight.

"My point is that there has to be understanding on all sides. My impression is that there has been a great deal of hypocrisy and talk in this field. I have in mind southerners who perpetuate a vast disparity of opportunity for white and Negro, and then use this same disparity to argue the Negro isn't ready for full citizenship. I also have in mind a great many people in the North whose lives indicate they would rather talk about integration than live it—newspaper editors, for instance, who preach civil rights, but belong to restricted clubs and send their children to schools where there are no Negroes.

"It is quite a change for some whites in the South, who suddenly have a school population that might be as much as 80 percent Negro. I think the Supreme Court recognized this when it ordered integration 'with all deliberate speed' instead of immediately. I take this order seriously. This doesn't mean that we are going to stand for mob defiance of court orders. Nor does it mean that there will be sweeping transformations without adequate groundwork.

"What would your position be if you were confronted by another Little Rock?

"I don't think we would ever come to the point of sending troops to any part of the country on a matter like that. I cannot conceive of this administration's letting such a situation deteriorate to that level. In my judgment, examining the facts, we could have handled the situation with U.S. marshals, who have a fine record and are equipped to handle the job.

"Some groups charge that the Department of Justice has not been active enough in entering civil rights suits as amicus curiae or friend of the court. Do you intend to pursue a more aggressive policy?

"I think that the problem here has been a lack of overall leadership in the field. I have the impression that people in the Department of Justice wanted to do more, but were held back by a general hands-off policy of the past administration. This won't be true in the future. I don't mean that the whole problem will be solved automatically. My feeling is that we must move strongly and vigorously in this area. It is imperative that we make progress. But I don't think that it can be handled just by laws. There has got to be—and there is going to be—leadership from the White House. That is going to make the difference.

"Have you any plans in mind regarding subversive activity in the United States?

"I have discussed the subject with J. Edgar Hoover. He is very concerned about this threat. I was in Internal Security when I joined the Department of Justice in 1951. At that time, I thought there were some bad situations. I haven't had any dealings in this field for over 5 years, so it will require careful study before we reach any conclusions. One change in organization is being considered. Internal Security, now a separate section, may be returned to the Criminal Division, where it once was. Indications are that this would increase its effectiveness. My predecessor mentioned that there was a good deal of sentiment for such a move among his people.

"In respect to antitrust activity, do you have any feelings about bigness per se?

"It worries me. Too much power scares me, whether we find it in a trade union or in a corporation. So, within the bounds of the law, it would be an important factor in any trust or conspiracy suits we may bring to court.

"While wiretaps are not permitted as evidence in Federal courts, some officials have pressed for new legislation to allow their use. What is your position as Attorney General?

"We are studying this question carefully. No conclusions have been reached. If such legislation were passed, my feeling is that the use of legal wiretaps should be limited to major crimes such as treason, kidnaping, and murder. In each instance, however, it should only be done with the authority of a Federal judge. We would still have to request permission for a wiretap, exactly as we must now do to get a search warrant. At the same time, there is a great deal of indiscriminate wiretapping that now goes unpunished. Therefore, it is essential that the penalty for indiscriminate wiretapping be greatly stiffened. This goes for anybody, including law enforcement officers.

"One of the great problems we have is in the language of the law as it now stands. It states that we shall not intercept and disclose messages. Does this mean that we can go ahead and intercept as long as we don't disclose the content as evidence? Some courts have said yes to this interpretation. I also fully recognize that legalized wiretapping is a two-edged sword that requires the most scrupulous use. For that reason, I would not be in favor of its use under any circumstances—even with the court's permission—except in certain capital offenses.

"Do you intend to divorce yourself from politics because of your new post?

"Yes. I am getting out of all political activity as fast as I can. Partisan politics played no role when I was chief counsel for the McClellan Labor-Rackets Committee. They will play no part now.

"What will be your policy regarding Federal judgeships?

"I will be asking for recommendations from both the Senate and the State bar associations. As far as the latter are concerned, however, I am dismayed at their failure to crack down on unethical practices committed by certain of their members, and I don't regard their recommendations as the end-all. We also will be searching for men on our own. Ability will be our sole consideration. We want the best men we can get. That's the way we are going to operate.

"Do you have any comment about such adjectives as 'cold,' 'ruthless' and 'arrogant' that some people have applied to you publicly?

"If my children were old enough to understand, I might be disturbed to have them find out what a mean father they have. I've been in a position where I have to say no to people, and at times I have had to step on some toes. I guess a lot of this came out of the Los Angeles convention. But we won, and we won fairly, then and later on. We weren't just playing games.

"Do you plan to remain Attorney General for at least the first full term of the Kennedy administration?

"Yes; I expect to. I think, for instance, that it's going to take us at least a year and a half to get started on what we would like to accomplish.

"Do you ever plan to run for office yourself?

"At one time, I had considered trying for the governorship of Massachusetts. Someday, perhaps, I will run for elective office. But now, all I have on my mind is doing my job here."

BIRTHDAY CONGRATULATIONS TO SENATOR WARREN G. MAGNUSON

Mr. JACKSON. Madam President, it is my happy privilege to advise the Senate that today marks the 56th birthday of my senior colleague, WARREN G. MAGNUSON. This is also his 25th year of service in the Congress of the United States. There is no need for me to recount here his outstanding achievements during this long period of public service. Those achievements are legion and well known to all of us who have served with him. I should like, however, Madam President, to make brief mention of the fine personal relationship I have always had with my senior colleague. I have served and worked with him in the House and the Senate for 21 of his 25 years in Congress. During all that time we have never had a serious disagreement. We have always had a very close personal working relationship on problems of mutual concern in the State. His thoughtfulness, kindness and continuous generosity have made my job far easier, as it has for all of his colleagues in this body. The warmth of his personality and his always high humor have made him one of the most beloved Members of the Senate. I look forward to many more years of pleasant association with WARREN G. MAGNUSON. I am sure that Members of both sides of the aisle share this birthday wish with me.

Mr. PASTORE. Madam President, I should like to associate myself with the tribute paid to the distinguished Senator from Washington, WARREN MAGNUSON, by his junior colleague from the State of Washington [Mr. JACKSON]. It has been my happy privilege in the 11 years I have served in the Senate to have been very intimately associated with the distinguished senior Senator from the State of Washington. We both serve on the Senate Committee on Interstate and Foreign Commerce. Senator MAGNUSON is our chairman. I know of no Senator who works more earnestly and more effectively for the welfare of his State and the country at large than does the distinguished Senator from Washington. It is a joyous occasion for me, on his 56th birthday, to extend to him my heartfelt felicitations and many happy returns of the day. I congratulate not only Senator MAGNUSON but I also congratulate the people of the State of Washington, who have sent him to the Senate. I wish for him and for them many more fruitful years of service as a Senator from the great State of Washington.

Mr. SCHOEPPEL. Madam President, I rise to join the distinguished Senator from Washington [Mr. JACKSON] and the distinguished Senator from Rhode Island [Mr. PASTORE] in extending best wishes and felicitations to Senator WARREN MAGNUSON on his 56th birthday.

It is my rare privilege and pleasure to serve in the U.S. Senate and as a member of the Senate Committee on Interstate and Foreign Commerce with WARREN MAGNUSON. It was my good fortune to know the distinguished Senator from Washington in his collegiate football days. He was a football player of rare ability. He hit the line hard, and he did a masterful job. He has carried this drive and determination into his service and work in the U.S. Senate.

In the Senate I have found him always painstakingly working in every constructive way in the interest of good legislation. I have heard it said, and I know of my own knowledge, that he has not only represented the great State of Washington so brilliantly but where the northwestern section of the United States was involved, you could find Senator MAGNUSON. Before Alaska became a State he was affectionately referred to as the Senator from Alaska. Senator MAGNUSON and his colleague Senator JACKSON make a great team and I salute them.

I wish to join with other Senators to wish Senator MAGNUSON many, many more happy birthdays, and hope that I have the privilege of serving with him for many years.

Mr. MANSFIELD. Madam President, I take this opportunity to join my colleagues and to wish our distinguished colleague, Mr. MAGNUSON, a very happy birthday and to express the hope that his life will be long and rewarding.

It has been said that youth is not a time of life. Few people in public life better represent this than the Senator from Washington. Not only does he look far younger than his years; he has a vibrant and youthful attitude toward life, which is so often expressed in his outlook on current problems. He is not an old fogy, but neither is he a young fogy. He combines the wisdom of age, and the vision and strength of youth.

It may be surprising for some to realize that WARREN MAGNUSON has served in Congress for 24 years, and in the Senate for 17 years. The only interruption in this long and useful career was his service as lieutenant commander in the Navy during World War II, when he served in the Pacific theater. In length of continuous service, the Senator from Washington, even now, ranks 11th in the Senate.

For the past 6 years, Senator MAGNUSON has served as chairman of the Interstate and Foreign Commerce Committee. All of us have admired and envied his skillful and intelligent chairmanship of that important committee. He has performed his duties as chairman as well as any chairman in the history of the committee. It is a tribute to his great energy and effectiveness that one of the first bills passed by the Senate this year was reported by his committee.

Last year Senator MAGNUSON was honored by being made a member of the Democratic policy committee of the Senate, in which capacity he is making a new and significant contribution toward the work of the Senate, and the work of the Democratic leadership of the Senate.

The senior Senator from Washington has made a great contribution to his State, and to the inland empire of the Northwest. But WARREN MAGNUSON has been more than a Senator from the State of Washington or the Northwest. He is and has been a Senator for all the United States, and he has performed great service for his Nation.

I salute the Senator from Washington on this occasion, and wish him even greater success and personal satisfaction in the years ahead. He looks and is in the prime of life. He has ahead of him not only the best years of his life, but of his service in the Senate of the United States.

Mr. KEFAUVER. Madam President, I wish to join the distinguished Senator from Washington [Mr. JACKSON] and other Senators in paying tribute to the devoted public service and the record of Senator WARREN MAGNUSON. It has been my privilege to serve for many years with Senator MAGNUSON both in the House of Representatives and in the U.S. Senate. He is always courteous, kindly, knowledgeable, and a very effective Senator of his State and of the Nation.

He is entering the 25th year of service at a very young age, comparatively speaking, and I predict and wish for him many more useful years as a Member of this distinguished body.

Mr. McGEE. Madam President, I am delighted to associate myself with the accolades for Senator MAGNUSON on his birthday. I am frank to say that it was something of a surprise to me to learn that this was his 56th birthday. I know of no Member of this body who exhibits a younger or more dynamic drive than does WARREN MAGNUSON. I would have guessed that perhaps he was 46 or 36, in terms of the measure of his activity on the floor of the Senate. I have had the privilege of serving under his leadership on the Committee on Interstate and Foreign Commerce, and also as a member of the Appropriations Committee. Very frankly, I look to him for leadership and vigor of ideas in the measures he supports. I am delighted to join in the best wishes on number 56, which is an exaggerated figure in every other way except chronology.

Mr. CHURCH. Madam President, I certainly would not wish this occasion to pass without adding my own words of birthday greetings to the distinguished Senator from Washington. This is his 25th year of public service—his silver anniversary year—and I think it is appropriate for the Senate to take note of the very great service that has been rendered by WARREN MAGNUSON to the people of Washington and to the country as a whole.

Of all his many attributes, none has meant more to me than his keen and

ready sense of humor, for this has enabled him to maintain a balanced perspective on all public questions, and thus to render the most constructive kind of service in the leadership positions of high responsibility he enjoys in the Senate.

I wish at this time to express my own personal thanks to WARREN MAGNUSON for all the many courtesies that he has shown to me. In every sense he has been a good friend, a good Senator, and a good neighbor to Idaho.

Mr. BARTLETT. Madam President, no man I know is more entitled to a happy birthday and many happy anniversaries to follow than is WARREN G. MAGNUSON, one of the finest men I have ever known in my life. My acquaintance with him extends back over a long period of time. I am glad to express publicly that which I have said so many times privately, namely, that WARREN MAGNUSON is one of the great legislators of his time. During the many years I served as Delegate in the House of Representatives from Alaska, WARREN MAGNUSON was, in a sense, the Senator from Alaska without portfolio—without a certificate of election. I depended on him in this body to take care of all bills concerning the territory, and he never failed me. He took charge and managed the bills that came over here from the House, thus making his contribution to the development of the territory of Alaska. He did much to put that territory in such a situation that statehood followed. I sometimes think that I took up so much of his time that he might have been glad when the junior Senator from Washington moved here from the House of Representatives to become chairman of the Territories Subcommittee, and assumed so much of the burden that previously had fallen altogether on the Senator from the State of Washington.

Madam President, the senior Senator from Washington comes from pioneer stock. His ancestors made a very notable contribution in opening the Middle West and the Far West. Senator MAGNUSON, a true son of the West, has pioneered in a different way—his contributions have been in promoting the development of the Pacific slope, and the welfare of its residents. He has been the author and supporter of many legislative acts which have been meaningful in the development of the West.

When I arrived in the Senate, in January 1959, it was my pleasure and my privilege to become a member of the Committee on Interstate and Foreign Commerce, of which the senior Senator from Washington is chairman. My respect and affection for him have only increased with service under him. I have never seen him provoked. I have never seen him nervous. I have never seen him angry. He is a superior human being and a fine man whom we all admire. I express the hope that he will have many, many more and happy anniversaries.

Mr. COOPER. Madam President, I should like to express my high regard for Senator MAGNUSON as a Member of the Senate and as a man. In 1947, when I became a Member of the Senate for the first time for a 2-year term, I served as a member of the Committee on the Judiciary. Senator MAGNUSON was a member of that committee, and I was a member of a subcommittee with him. On that subcommittee I learned to know his ability and his great helpfulness, and also to enjoy his trust.

In the years that have passed since then, our association and friendship have continued. I have found him to be a Member of the Senate whom one can approach upon any matter, feeling that one has his understanding and helpfulness and his trust.

Senator MAGNUSON is one of the ablest men in the Senate. He is what might be called a Senator's Senator. I have great regard and affection for him, for his understanding and for his ability, and I also admire the very objective way in which he approaches problems, and his sense of justice.

Mr. KEATING. Madam President, I wish to add a word about young WARREN MAGNUSON who today celebrates a birthday beyond that which any of us would think to be the fact, considering his youthfulness and vigor. Everything about him, Madam President, belies the fact that he has reached this milestone. To this junior Senator from New York, as a new Member of the Senate, WARREN MAGNUSON has been extremely kind. I have had occasions to cosponsor several bills with the Senator from Washington. At all times he has accorded courteous hearing whenever it was requested. He is a model of what a presiding officer should be at committee meetings. I wish him the very best on this natal day.

Mr. McNAMARA. Madame President, in adding my congratulations to those of other Senators who have spoken today in congratulating our good friend WARREN MAGNUSON, I wish to extend my best wishes to this distinguished and great American, an outstanding Senator, and a good friend.

Mrs. NEUBERGER subsequently said: Mr. President, the first U.S. Senator I ever met was Senator WARREN MAGNUSON. I met him through a young newspaperman who had interviewed him on many occasions. That young journalist was Dick Neuberger, and I was greatly impressed that the man I was about to marry called this great Senator "MAGGIE."

On this occasion of "MAGGIE's" birthday I want him to know how much both Senators Neuberger have enjoyed calling him colleague.

SO-CALLED PEACE OBJECTIVES OF COMMUNIST RUSSIA

Mr. LAUSCHE. Madam President, last week a "Little United Nations Assembly" was held at Kent University, Kent, Ohio. At that assembly, Mr. Yuri V. Filippov, counselor for the Soviet Embassy in Washington, was a speaker. In his address to the student body, he purposed to tell them the lofty objectives and principles of the Communists in trying to attain peace throughout the world. I have before me an article published in a Cleveland newspaper relating to Mr. Filippov's statements. I read what he is alleged to have said to that group of 1,800 students:

> Peaceful coexistence is the only possible way to maintain a stable and lasting peace.
>
> We live in a period of history when states with different social systems, socialistic and capitalistic, do exist and develop. These states go along their own roads, and the systems existing in these countries are, of course, internal matters of their peoples. No one from the outside can dictate to these people which social system to choose.
>
> Apart from the obligation not to commit aggression, a peaceful coexistence principle also provides for an obligation on the part of all states not to violate each other's territorial integrity and sovereignty in any form and under any pretext.

Madam President, I simply cannot allow a statement of that character to go unchallenged. The statement is cynical, untrue, and completely contrary to the course of conduct which the Soviet Union has followed in the last 15 years. Think of this man making a statement, in the face of the Communist conduct, to the effect that the principle of peaceful coexistence signifies a renunciation of interference in the internal affairs of other countries.

Everywhere throughout the world, Communist Russia and Communist China have interfered with the internal management of governments and have stood as obstructionists toward people who have sought to choose their own system of government. The statements made by the Soviet counselor are completely foreign to the truth.

Mr. COOPER. Madam President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. COOPER. Who made that statement?

Mr. LAUSCHE. The statement was made by Yuri V. Filippov, counselor for the Soviet Embassy in Washington, in an address to a conclave of students at Kent State University, Kent, Ohio.

Mr. COOPER. Madam President, will the Senator further yield?

Mr. LAUSCHE. I yield.

Mr. COOPER. I had the opportunity to read the Communist declaration issued at the close of the Communist Party meeting in December. In that 10,000-word statement, the Communist Party undertook to define what it meant by its declaration. It said clearly that the Soviet Union intended to move into every area in the world in which it could stir up revolution. Specifically, it mentioned South America, Cuba, Africa, and Asia.

Anyone who reads the Communist Party declaration will know that coexistence means that in every effort, short of nuclear war, both revolution and intervention are contemplated in the affairs of every country which is not a Communist country.

Mr. LAUSCHE. I am very grateful for the contribution made by the Senator from Kentucky.

Madam President, since my time has expired, I ask unanimous consent that I may continue to speak briefly on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Ohio may proceed.

Mr. LAUSCHE. Madam President, I should like to ask the counselor of the Soviet Embassy: What type of countenance did the Communists give to the Hungarian people in their effort to determine for themselves the type of government they wanted? What countenance did the Communists give to the Polish people when they attempted to declare the type of government they wanted? Moreover, what concessions did Communist Russia make to the captive nations of Europe, when all those nations asked was the right to express their choice of government through free public elections? In every instance, the word of the Communists was broken, and by an iron hand the government which the Soviets created was imposed upon the people.

What has been the attitude of the Communist Government toward Quemoy and Matsu? Toward Nepal, on the border of India? What has been its conduct in Cuba? Everywhere, means are adopted to cause subversion. To Communist Russia, peaceful coexistence means coexistence with Communist governments and the destruction of all other types of government.

Madam President, I must reject this statement, made by this man in my State, and label it completely incompatible with the facts as they actually exist.

I commend Andor S. Jobb, the Hungarian freedom fighter of 1956, now a student at Kent State University, for the vigorous challenge he made to the assertions of Yuri V. Filippov.

CONTINUED CONGRESSIONAL SCRUTINY OF NEW EXPORT CONTROLS

Mr. KEATING. Madam President, yesterday Secretary Hodges announced that he had recommended revised procedures for the control of exports to Soviet bloc nations. This is a subject which has been of great concern to me in view of evidence before the Internal Security Subcommittee that many shipments have been made to Iron Curtain countries over the objections of the Department of Defense. When this situation first came to light, I suggested that the Department of Defense should be given a veto power over such shipments, subject to review by the President. In this area of defense and security we should err on the side of caution and take whatever steps are necessary to make certain that no shipments of strategic goods are sent behind the Iron Curtain.

The procedures announced by Secretary Hodges certainly will be helpful, and I commend the Secretary for the prompt and diligent attention which he has personally given to this important problem. The Executive order which he has recommended to the President will provide for the review of disputed export licenses by a board consisting of the Secretaries of the Departments primarily concerned. I have been given the personal assurance of Secretary Hodges that in the event of a disagreement on this board, an export license will not be issued by him except upon the express approval of the President of the United States. This certainly fulfills the main objective of my proposal to the Secretary.

There are other problems in this field of export control which continue to warrant consideration. It is still detrimental to our national security, for example, if manufacturers in allied countries are free to ship to Iron Curtain countries the same goods which American firms are prohibited from sending. It is extremely important, therefore, that we coordinate our efforts to prevent the shipment of strategic materials to the Soviet bloc with the NATO powers and the other free world countries. I hope that the strongest representations will be made by the Department of State against any contribution to the Communist war potential by trade in strategic goods.

This is a subject which should have the continuing scrutiny of Congress. I am confident and pleased by the attitude of the Secretary of Commerce that we will have the full cooperation of the Commerce Department in our efforts to prevent any free world help to Communist efforts to build up their military machinery and equipment.

THE INTERNATIONAL WATER YEAR

Mr. KEFAUVER. Madam President, recently there has been much talk about the proposed International Water Year. I feel that my colleagues may be interested in learning more about the suggestion and about the man who is devoting a great deal of his time toward its realization—O. R. Angelillo, of California. I ask unanimous consent to have printed in the RECORD a short statement about a trip to Europe by Mr. Angelillo and some of his theories on water development; and also a history of the suggested International Water Year; a press release by Dr. F. W. Maxstadt; a news release by O. R. Angelillo from Rome, Italy; and a news release by O. R. Angelillo from Pisa, Italy.

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

In summary, O. R. Angelillo, of California, had made a trip to Rome to implore the Holy Father to give his blessings to the suggested International Water Year.

His trip was a success for the Pontifical Academy of Science bestowed its moral encouragement and its inspirational grace upon the suggested International Water Year. The Vatican broadcasted a radio program beamed to five continents telling its support for the promise of peace which water holds according to Mr. O. R. Angelillo and his colleague, Dr. F. W. Maxstadt, of California Institute of Technology.

Today here in America we find that 60 percent of our land is arid, in that it receives only 10 percent of the rainfall for the Nation. All members of the Senate, in particular those in the western part of our Nation, are aware of our country's great need for water.

Under coordinated scientific supervision water can be extracted from beneath our Nation's deserts. In the Mojave our citizens have brought water to the surface, so that today cotton buds bloom where once only desert reigned supreme.

In the Middle East, in particular at Eliat, only 15 kilometers from where Moses brought water, Americans have brought forth water at various levels in an area where water had not appeared in 2,600 years.

There have been other successful attempts at bringing water to the top of the earth where for centuries none had existed. French, Italian, and German scientists have probed and found evidence of flowing subterranean streams below the Sahara Desert.

Mr. Angelillo has informed me that the method of finding water is scientific. He states that today scientists look for shattered rock formations caused by earth disturbances. The scientists follow the long line of displacements in the earth called faults along which at different levels there may be various formations; the stronger of these fracture the easier. These fracture spaces serve as water channels and are interconnected in devious ways. At some point along these regional fault systems, there is a wicking action of water which will show itself in many ways by the change that occurs at the surface. The ability to determine the location of the water channels beneath with reference to the position of such surface indicators is the foundation of this science. Often water flows through these subterranean channels under great pressure and when perforated by water wells, water may rise to great heights and continue to do so under its own replenishing pressure.

Today, by the use of the Belluigi process, Mr. Angelillo states that it is possible to form dikes within the earth by converting clay into solid rock so as to prevent either the vertical or horizontal diffusion of unwanted waters. These subterranean dams which can be built to the depth of 4,000 feet can serve to cause water to rise under its own recharge pressure.

He further states that the historical background for search for water flowing through fissured rock formations goes back to the days before the Roman Legions. History has told us that the legions took great pains in finding safe water and after many sorry experiences, they learned that water that flowed from rock crevices was safe water. This research has continued today and is expressed in the medical and pharmaceutical hydrology, nuclear geology, geochemistry, and volcanic geology.

Mr. Angelillo states that America can cooperate with the scholars of the western world to solve our own water problem through America's support of the proposed International Water Year. Support of such a program can inspire the nations of the world with enthusiasm needed to coordinate the required knowledge. Yet, this is also a national project. Mr. Angelillo has informed me that studies of the geological formations of the Western States of this Nation, in particular California and Arizona, by a coordinated interdisciplinary scientific approach by the free world scientists will serve as an adequate laboratory pattern for the full development of this project. The universities which Mr. O. R. Angelillo and Dr. F. W. Maxstadt, of California Institute of Technology, visited in Europe concur with this opinion. A basic scientific pattern already exists in Italy, France, and Germany.

Let us not forget the words of President Kennedy in his inaugural address when he called upon mankind to "conquer the deserts."

STATEMENT BY O. R. ANGELILLO OVER THE VATICAN RADIO NETWORK, JANUARY 12, 1961

MEMORIAL

In the name of humanity and its hope for peace, O. R. Angelillo requests the Pontifical Academy of Science to bestow its moral

encouragement and its inspirational grace upon the scope and purpose of the suggested International Water Year.

HISTORY

The suggested International Water Year is the unfoldment of the idea intended to be expressed by the Galileo Galilei Foundation, initiated under the joint auspices of the University of Padova and the University of Pisa.

Said idea sought to bring forth a coordinated interdisciplinary research approach to the problem of water.

In particular the finding, the development, the production, and the utilization of water flowing through deep rock fissures and shattered rock along and near faults that are beneath the arid regions of the world.

The presence of these subterranean flowing streams of water, that are occasioned by tectonic forces, were focused for attention by the Angelillo water report. This report is a study of the water beneath the Mojave Desert of California.

On May 12, 1959, Senator ESTES KEFAUVER presented his remarks that appear on pages A3975 and A3976 of the daily CONGRESSIONAL RECORD of the United States which in part are as follows:

"Mr. KEFAUVER. Mr. President, in our search for a solution of our domestic and international problems here in the Congress, it might appear at times that we fail to recognize the individual efforts of scholars and scientists who work toward these same goals.

"I should like to call attention to Mr. O. Romulus Angelillo, an American consulting engineer and scientist. Mr. Angelillo only last week was highly honored by two great Italian universities for his study on the practical possibility to expand the normal horizons of preparation, conducting an economic utilization of hydrogeological research and exploration of water from rock fissures. The research for water in arid regions of the world most certainly deserves the attention of this Nation and of all nations.

"As Mr. Angelillo said in his lecture before faculty members and students of the Universities of Pisa and Padova: 'Water will provide the means for those in the regions of the world less endowed by nature, to have new hope and to make further progress in dignity.'

"After considerable research, Mr. Angelillo has concluded that a vast underground supply of water is available to arid countries if they follow his principle of exploration of water from rock fissures.

"Following his lectures in Italy, the hope was expressed by Mr. Angelillo and by responsible faculty members of the two universities, that there be established an international foundation to be known as 'Galileo Galilei' in honor of the father of science. This international foundation would develop through research the location, development, production and utilization of especially deep flowing waters beneath arid regions.

"Such a foundation would coordinate the scientific discipline of the Universities of Pisa and Padova, as well as major institutions of advanced thinking in the United States and elsewhere.

"This is a project of vast magnitude, and one which, it is hoped, will be marked with full success."

On May 14, 1960, Dr. Joseph Kaplan, Chairman of the International Geophysical Year, authorized O. R. Angelillo to quote him, in a communication addressed to the University of Arizona, as follows:

"Dr. Kaplan will shortly approach the National Academy of Science, which sponsored and carried out the U.S. program in the IGY, in order to get the Academy to play a similar role on the proposed International Water Year (IWY).

"With this, it will be possible to approach the Congress through the National Science Foundation, exactly following the now well recognized successful IGY pattern. He believes that this is the most important idea for international interdisciplinary cooperation that exists today."

On June 6, 1960, Dr. Joseph Kaplan delivered an address entitled "The Great Challenge," which was radio broadcast throughout the world by the Voice of America.

The first paragraph of said address is as follows:

"The great challenge

"It is with real pleasure and humility that I face this audience on the occasion of your second commencement. Humility, because of the remarkable task that is being performed here and pleasure, because I can perhaps pay back in part today the great debt that science and the free world owe to the late Pope Pius XII for his inspiring support of science in general and of the International Geophysical Year in particular.

"Except in private conversations, I have as yet had no public opportunity to acknowledge the inspiration that came to us from Pope Pius XII understanding and encouragement."

The last sentence and the footnote of said address is as follows:

"All of you will have had an effective start toward the ultimate purpose of an education, the understanding of ourselves, our world, our universe and God. And now I would like to add a short footnote to my talk.

"During the past few months our good friend, Mr. O. R. Angelillo and I have been discussing the idea of another international scientific program, patterned after the very successful International Geophysical Year, but dedicated to the thorough scientific examination of the problem of water. Those of us who live in southern California need no reminder regarding the importance of this problem. Those who think in terms of the needs of all mankind recognize that this is now one of the most important problems to which concerted attention should be given.

"Mr. Angelillo and I have been looking at this problem not only from the scientific point of view but also as another by which this Nation can help the world to achieve security and a better way of life. If science and engineering can become forces for peace as well as for the tangible products of their genius, we will have achieved great goals in the history of man. The proposed International Water Year is a striking example of how these goals can be reached."

On December 7, 1960, I came to Europe with D. F. W. Maxstadt, of the California Institute of Technology, to determine if there were now presently available a sufficient number of qualified scientists with knowledge of the presence of producible waters beneath the arid regions of Europe, Africa, and the Near and Far East, including India.

I also sought to evaluate the result of experiments in terrestrial physics to determine their practical application to produce and utilize the waters beneath the arid regions at an economically competitive cost.

The universities of Europe that I visited have shown me their findings. I have visited with Dr. Maxstadt such regions that were studied and inspected the issuing waters.

It is my considered opinion that I am now justified to recommend to my friends in the Congress of the United States that practical measures be undertaken to carry out this program.

I shall recommend that the suggested International Water Year be directed by an American university in cooperation with the universities of the Western World.

O. R. ANGELILLO.

ROME, *January 10, 1961.*

PRESS RELEASE, ROME, JANUARY 14, 1961

Photographs and tape recording of entire broadcast over Vatican Radio by O. R. Angelillo, of Los Angeles, and F. W. Maxstadt, of California Institute of Technology, will be brought to Washington, D.C., January 24.

Angelillo's words were concurrently translated.

These photographs and tape will be available in Los Angeles at Carroll Alcott's office, radio KNX, Columbia Broadcasting System, January 28.

They will be available at Don Bosco Technical High School, February 3.

The music program was a stroke of genius.

Angelillo has been signally honored with the hat of science by the University of Perugia, the Medal of Lymnology of the Fourth International Congress of Hydrobiology, by the Central Laboratory of Rome, the Galileo Medal by the University of Pisa and the Gold Medal of Merit by the University of Padua. He has, in addition, been honored with signed greetings of reunion by the faculty chairmen of the Universities of Padua and Pisa.

His findings with regard to water from deep rock fissures in the Mojave Desert and Catalina Island have been confirmed by similar findings by Parascondola at the University of Naples from studies and tests near Mt. Vesuvius, Tongiorgi at the University of Pisa from studies in the Alps, and Talenti at the University of Rome from laboratory tests of waters of Mt. Vesuvius and Rome—even Roman fog. Attached is a copy of the address broadcast over the Vatican Radio on their "Quarter Hour of Serenity" dedicated to the sick of the world at 5:00, January 13, 1961, Vatican City, Italy, and a memorial to the Pontifical Academy of Science.

F. W. MAXSTADT.

NEWS RELEASE

(Message O. R. Angelillo broadcast by the Vatican Radio on "Quarter Hour of Serenity" dedicated to the sick of the world (Vatican City, January 12, 1961))

During 1943, I have like each of you known that instant of silence when one wonders what part he can continue to play in society. During 1958 while studying the mountains and the canyons of the desert I have known another kind of instant of silence, the silence when one sees the oneness of all creation in its reality. For this reason I can tell you that your prayer, your heart, your understanding and your compassion born of suffering may in truth become an integral part of humanity's search for its betterment and peace.

Men of science, engineers and leaders of good heart are about to embark upon a momentous project—the suggested International Water Year.

Its magnitude staggers the imagination. Yet with a calm resolve we shall search and study the deserts of the world to bring forth rivers of water—water intended to cause the deserts to blossom for the betterment and welfare of humanity and thereby enhance its hopes for peace.

Each of you may become a part of this vast undertaking. Like the greatest of scientists and other men, each of you and I can know that exciting moment of discovery. The thrill of being part of the better life of the whole world.

We can initiate two great projects. Both can march hand in hand. However our search to discover the secrets of the earth will be easier. But your achievement will be the greater. Your faith in the conquest of yourself and the realization of your dignity, as a child of God, will serve as the spiritual support of the scientists.

The loneliness of the handicapped is not unlike the loneliness of those that search to unfold the earth's mysteries.

Each of us can joyfully overcome that loneliness by surrender of the heart in order to open the mind to see. Each of us can pray to open his eyes to see the wonders of the Creator's laws. It is this understanding that brings preciousness to the vision; the vision that must come first before men can dedicate their efforts; the dedicated efforts that bring new horizons of opportunity for the betterment and dignity of our fellow men.

Now, may I bid you well and embrace each of you with the love of your brothers and sisters in America for the heart of humanity is one when it throbs with the rhythm of God.

PISA, ITALY.

It is my privilege to report:

1. That the 300-year records of the Central Laboratory of Hydrobiology at Rome fully confirm the continuing existence of identifiably separate and distinct waters flowing through deep rock fissures or shattered rock, which waters have always been of uniform quality and composition.

The flowing quantity of such waters did not diminish durng the past 18 years to the personal knowledge of Prof. Dr. Petro Milo di Villagrazia, director of said laboratory. His data will be made available to a leading American university.

2. American private enterprise, under the leadership of Messrs. Earl Lachman and J. L. Nolan, has now acquired the rights to the exclusive use of one of Europe's most guarded scientific discoveries, a discovery never heretofore revealed, the Belluigi process. This process has been persistently sought by the non-Western World. America now has available to it the science and the means to cause to solidify, to compact and to stabilize, shales, clays, and other interbedded formations such as exist in the Santa Monica Mountains and the Palo Verde Hills of California.

Within a period of 50 hours it is now possible to convert such claylike material into an impermeable solid rock having a compressive strength of more than 1,000 pounds per square inch.

Walls of any width or thickness can be formed within the earth itself to a depth of more than 2,500 feet and for any number of miles in length. This means that landslides can be prevented. The lateral movement of mountainous terrain can be retarded by binding the fractures beneath the surface.

Mountains can be dewatered by causing the clays to yield their bound water at a rate of more than a thousand times their natural yield rate. Salt water infiltration can be prevented in coastal basins. It is also now possible to arrest subsidence and such similar manner of earth slippage.

Prof. Arnaldo Belluigi who with Dr. Enrico Fermi was assistant to Prof. Orso Mario Corbino of the University of Rome is now the Preside della Facoltà di Scienza, Università di Perugia. Dr. Belluigi has agreed to render his consulting service and design skill in the United States exclusively to O. R. Angelillo.

Professor Belluigi and Dr. Fermi studied mathematics under Prof. Vito Volterra and Prof. Levi Civita who taught Professor Einstein. Prof. Levi Civita of Rome calculated the "Differential Absoluto" so that Einstein could present his theory of relativity.

3. It is now established by the highest sensitivity tests, recognized as accurate and "sofisticato," that the waters tapped in fissures in a tunnel beneath the Alps is the water from the glacier above. The water seeps into rock fractures and flows through a continuum of rock fractures that are interconnected.

4. It is definitely established that the 30 million tons of water vapor available and used each year at the Soffioni di Larderello is water that precipitated upon the earth in the form of rain. This rainwater seeped into rock fractures and traveled great distances to where it is vaporized by subterranean heat. It can be stated as clear that all waters flowing through fractures within the earth are waters that were in the sky and precipitated upon the earth in the form of rain or snow.

5. The replenishing source of said Larderello water vapor is at a long distance from where said water vapor issues with pressure. The tests were made with the use of instruments designed by Prof. Ezio Tongiorgi of the University of Pisa. Professor Tongiorgi is the founder of nuclear geology. In answer to the direct question, "Can you say that your investigations clearly show that water flows through rock fissures and shattered rock along and near faults?" The answer was "Yes."

6. Interuniversity conferences are scheduled for January 4, 1961, at Padova, to formulate a statement which I will take to the United States. Its meaning and opportunities will be understood by all people everywhere. All dwellers in the arid regions of the world will know and understand the significance of the proposed search for water. It will be understood without much verbal explanation.

Man will understand how with water each person can by his own efforts, raise his standard of living. Knowledgeable men be made from America: "The news that will have termed the proposed announcement to electrify the world."

O. R. ANGELILLO.

COFFEE DAY

Mr. FONG. Madam President, as part of the ceremonies marking Pan American Week, yesterday His Excellency Fernando Lobos, Ambassador of Brazil, who is Chairman of the Council of the Organization of American States, proclaimed April 11 as Coffee Day.

Hawaii is the only coffee-producing State in the Union, and its people feel a special sense of kinship and warm aloha toward the people of all the coffee-producing countries of this hemisphere.

The problems besetting the coffee farmers in Kona, on the island of Hawaii, and in the countries of Latin America are set forth in an excellent editorial, which appeared in the Honolulu Star-Bulletin on April 8, 1961, entitled "Coffee Headaches." I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

COFFEE HEADACHES

When Latin America has a coffee headache, Kona feels the pain also.

The plight of the world's coffee growers is being called to public attention on April 11—Coffee Day—as part of a campaign to stabilize coffee prices.

Green coffee is historically the most important commodity export of Latin America and, with the exception of Venezuelan oil, its chief earner of dollar exchange.

But prices have fluctuated widely on the world market. The average U.S. import price of green coffee from Latin America fell from 53 cents a pound in 1956 to 37 cents in 1959—a fact well known to Kona growers, whose prosperity depends upon the world market, over which their relatively small production has no control.

The drop resulted primarily from overproduction. Plummeting prices resulted in the organization of the International Coffee Agreement in September 1959. A year later, when the agreement was renewed, 28 countries, accounting for more than 90 percent of the coffee in world trade, were signatories.

The agreement did help to stabilize prices, by means of export quotas, but the specter of surplus pressure continues as a threat. But the agreement is widely regarded as merely a stopgap measure.

To find permanent solutions, the United States has taken an active part in the coffee study group. Formed in 1958, it is composed of 53 producing and importing countries under the chairmanship of Thomas C. Mann, U.S. Assistant Secretary of State for Latin American Affairs.

Negotiations leading to the formation of the International Coffee Agreement were carried out through this body, and in February 1960, it authorized a detailed study of the world coffee industry in all its aspects, to be used as a basis for a long-term world agreement.

While the goal of balanced supply and demand is clear cut, the means by which it may be achieved is far from simple. The problem of devising incentives to coffee-growers to grow less or, where feasible, to use their land for other crops, is no easier than that of controlling wheat production in the United States.

Coffee countries are trying to stimulate increased consumption through a promotion committee which has $8 million for activities this year in the United States, Canada, the United Kingdom and Western Europe.

In Europe, in particular, efforts are being made to bring about a reduction in the high taxes which make coffee a luxury product in such countries as Italy and West Germany.

But coffee is still a hard-pressed industry, as the Kona farmers know, and its prospects at the moment are far from bright.

NATIONAL PRODUCTIVITY

Mr. JAVITS. Madam President, "The Challenge of Industrial Revolution II," written by Secretary of Labor Arthur J. Goldberg and published in the New York Times of April 2, 1961, is most worthy of attention and I ask unanimous consent to have it inserted in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. As sponsor of S. 1181, the National Productivity Council Act of 1961, my attention was particularly engaged by the need for just this kind of legislation brought out by the Secretary's analysis. He writes that "no master plan can be drawn for lifting the skills of a work force as varied and diverse as ours. The situation in each community, and within each industry, requires its own devices and tools.

What each does have in common is the need for maximum cooperation among important segments of the community—education, business, and labor, to name three." Furthermore, there must be "an adequate lead time between the decision to automate and the actual changeover," as well as, "thorough consultation between labor and management concerning employee displacement and job changes."

These recommendations go right to the heart of S. 1181 which would stimulate the creation of labor-management-public councils at local, industrywide, and regional levels, and provide for the broad use of educational facilities in retraining programs as well as in the study of industrial relations. Although President Kennedy's Advisory Committee on Labor-Management Policy is undoubtedly a useful first step in considering the large, national issues involved in labor-management relations, it cannot solve the grassroots problems, individual to each community and industry, which the Secretary so ably points out. I believe that the National Productivity Council Act of 1961 which I would like to bring to the attention of my colleagues for their most earnest consideration does present the framework within which these problems can be solved effectively.

In view of the increasing pressures on the United States economy, resulting from accelerated automation and growing competition in both domestic and foreign markets—in short, because the United States must lead, not be overwhelmed by, the revolution of the world economy—I hope for early consideration by the Congress of S. 1181.

EXHIBIT 1

CHALLENGE OF INDUSTRIAL REVOLUTION II

(By Arthur J. Goldberg)

WASHINGTON.—President Kennedy has charged a group consisting of seven of American management's foremost officials, seven topflight labor leaders, five eminent private citizens, Secretary of Commerce Hodges and me with the task of recommending to him policies that may be followed by labor, management or the public for dealing with such major economic questions as foreign competition and "the benefits and problems created by automation." We have gone to work against a background of sharply contrasting economic features. Employment in February had a monthly record of 64,700,000. At the same time, unemployment had risen to 5,705,000—the largest number of persons without jobs since the summer of 1941.

I have spoken with hundreds of jobless persons in Chicago, Gary, South Bend, Detroit, Pittsburgh, and in the iron range country of Minnesota. In those places, the economic trend breaks down into its living components—men and women with names and faces, families and problems, pasts and futures. Some were machine tenders, some were carpenters or painters, some were coal miners, some were assembly line operatives, and so down a long list of occupations. All shared a single feeling: What would they do?

For many of them, recovery would mean jobs. They would go back and try to pick up where they left off. For others, however, their jobs had become lasting casualties of the change surging through economic life, especially industrial enterprises.

This change, defined loosely by the generic term "automation," is becoming so pronounced that some economists have labeled it "a second industrial revolution."

Automation is the most recent phase in the centuries-long search for ways to replace human with mechanical or other forms of energy. In the industrial revolution of the 19th century, power-driven machinery freed man's hands from some forms of labor for the first time in history. The process has continued. In early developments like Oliver Evans' flour mill, with its conveyors and chutes, James Watt's automatic controls for his steam engine, and Charles Babbage's calculator, were the seeds for today's mammoth automatic processes that refine oil, make artillery shells, bake cakes, process chemicals, generate electric power, cast engine blocks, dig coal, produce atomic materials, and perform thousands of other jobs.

Since the war, a new element has spurred automation: the growing knowledge of information handling, as in electronic systems and computers. The advent of the electronic brain controlling the mechanical muscle has made possible fully automatic factories and offices—but it has also raised the specter of severe dislocation in the American work force.

The issue being joined in our economy today—one that is present in some form in every major industrial negotiation—is simply stated: How can the necessity for continued increases in productivity, based upon labor-saving techniques, be met without causing individual hardship and widespread unemployment?

It is a familiar issue to Western economies. In Samuel Gompers' autobiography, for example, appears a moving reminiscence from London of the 1850's:

"One of my most vivid early recollections is the great trouble that came to the silk weavers when machinery was invented to replace their skill and take their jobs. No thought was given to these men whose trade was gone. Misery and suspense filled the neighborhood with a depressing air of dread. The narrow street echoed with the tramp of men walking the street in groups with no work to do. * * *"

Such severe dislocations, with their burden of great human suffering, are historical phenomena.

Today, the effect of technological change has been tempered by an economy generally characterized by broad job opportunities, by an expansion of jobs in service and trade fields, by Government programs like unemployment insurance, and by privately negotiated devices such as supplemental unemployment benefits, payable in some cases to a worker even while he is training for a different industry.

Also, major technical changes in the past have occurred over a period of many years. If they had been telescoped into 5 years, the effects upon both the economy and the social equilibrium would have been far more severe.

Now, however, the pace of automation is quickening under many pressures. Perhaps the most important of these is the obsolescence of the American industrial plant. A competent estimate has been made that it would cost $95 billion to replace our plant and equipment now obsolete.

At the same time, we see in Western Europe a whole new industrial structure—modern plants and automated equipment—risen from the rubble of war. The goods from those plants are giving us stiff competition in markets that at one time were almost exclusively ours.

The combination of these factors—obsolescence here and growing competition abroad—gives real drive to the desire to improve and modernize.

To this is added the momentum provided by the consistent desire for higher standards. A highly developed technology underlies the American success in providing better goods and services for a steadily expanding population. We continue to expect that of it.

We are already witnessing the effects of automation. Between 1947 and 1960, for example, productivity (output per man-hour) in the total private economy increased at an annual average rate of nearly 3.5 percent—as against the long-term increase of 2.4 percent. Even with agricultural productivity taken out of this figure—and agriculture has, of course, been the most greatly affected of all industries by technological change—the average postwar gain has been about 2.7 percent, compared with the long-term nonagricultural rise of 2.1 percent.

With this acceleration have come employment declines in several industries. During the postwar period, for example, productivity in bituminous coal mining rose an astonishing 96 percent while employment was falling 262,700. Railroad productivity rose 65 percent in the same period while employment fell 540,000.

There is no way to measure the exact amount of unemployment due strictly to technological change. We do know that manufacturing employment lost 900,000 jobs in 1960 while total employment was making records in every one of the first 10 months. How many of those jobs are permanent losses we do not know, but the indications are that the technological attrition in industrial employment is becoming high. Thus, each of the four postwar recoveries from recession has shown a higher unemployment rate than the previous one. Also, one of the distressing aspects of much of current unemployment is its long-term nature; 647,000 of the unemployed in January had been looking for work for 27 weeks or longer.

The shadow of technological unemployment has fallen across mill towns, mining towns, textile towns, and manufacturing towns across the Nation. This past winter, men in West Virginia gathered around open fires on street corners listening for rumors of jobs. The coming of spring brings hope, but each spring in many industries finds fewer men at work.

Yet the long-term legacy of industrial progress has been a good one. To define the problem is also to state the promise, and to envision the progress is to define the problem.

Automation, for example, upgrades the entire labor force by requiring higher educational and occupational attainments. It sets a bright new premium on skill and intelligence. But are we equipped to handle the educational and training needs inherent in such change?

Automation frees human hands from labor, lifts the burden of production from the backs of men. But are we, as a people, prepared to turn the leisure time we gain to constructive use, the recreation in its true meaning, the "re-creation" of our lives?

The broad goal of realizing the promise and solving the problems is acknowledged by all Americans. The question of means may often become divisive.

Labor and management have in the past 2 or 3 years developed a realistic technique of referral—that is, they refer the problems raised by automation away from, rather than toward, the bargaining table. The device most frequently used is that of the special committee, sometimes including public members, which operates outside the bargaining arena, away from its pressures and deadlines and crosscurrents. Such committees are now at work in a number of industries—steel, meatpacking, and construction, for example.

There is also the Government-created Presidential Railroad Commission, with labor, management, and public members,

studying the complex problems of work rules and practices in that industry.

Can this technique of study and recommendation work?

While it is an example of good will and good sense, it is also an indication of a failure in the past to anticipate the impact of automation. These are substantially ex post facto bodies, some brought into being after strikes, some rushed together when the urgency for them became clear. I feel that they can find solutions. At the same time, studies made by the Department of Labor make it clear that if labor and management, in particular industries, plan in advance for technological change, measure out the effect of such change before it takes place, then its impact upon employment is greatly lessened, often nullified, while its benefit to the industry is enlarged.

One of the Nation's largest manufacturers of radios, phonographs, and television sets, for example, switched to automatic assembly a few years ago. Union officials were consulted in advance and changes and procedures were established for retaining some workers, reassigning others, upgrading still others.

Not a single job was lost. Pay for some of the new automated jobs increased by 5 to 15 percent. Incentive pay systems were established in other, older jobs whose character had been transformed. The transition was orderly and effective.

A large life insurance company had a similar experience. One of its divisions handled 850,000 policy transactions a month, used 125 punchcard machines and employed about 198 people. The company decided to install a computer, which it estimated would reduce expenses by more than $200,000 a year, cut the number of punchcard machines to 21 and reduce employment to 85 people.

After the decision, the company planned most carefully for the personnel adjustments. Affected employees were consulted well in advance. Each was interviewed at length concerning his preference in other operations of the company, and all who wished were successfully placed in new jobs.

The same story was repeated in a large bakery, an oil refinery, and other companies we studied.

All of these studies highlighted several important factors that were present to make automation a human, as well as a mechanical, success. They were:

1. An adequate leadtime between the decision to automate and the actual changeover.

2. Thorough consultation between labor and management concerning employee displacement and job changes.

3. Open and honest reporting to the people directly affected.

4. Perhaps most important of all, the timing of the change to coincide with a period of employment or market expansion.

The experience of successful companies indicates that automation in a context of expanding national employment and economic growth presents few problems that adequate and open planning cannot solve. At the same time, automation in a context of declining opportunity and slow economic growth can have a serious effect upon the work force.

When national employment opportunity is reduced by declining business, for example, the worker faced with technological unemployment has limited alternatives, not only in his own locality but elsewhere as well. Laggard economic growth also may impair the ability of a company to provide alternative employment within its own structure.

One of the most important lessons learned thus far is that the need for training and retraining the work force exists across the board in American life. No employer or employee is exempt from the need, and each ignores it at his own cost.

It is evident, also, that no master plan can be drawn for lifting the skills of a work force as varied and diverse as ours. The situation in each community, and within each industry, requires its own devices and tools. What each does have in common is the need for maximum cooperation among important segments of the community—education, business, and labor, to name three.

Recent developments in Hazleton, Pa., and Phoenix, Ariz., are cases in point:

Hazleton has been in a difficult unemployment situation because of the decline of the anthracite coal industry. In 1958, a corporation agreed to take over an abandoned railroad roundhouse that had been purchased by the Hazleton Industrial Development Corp. and converted to modern industrial use. Last spring, the company found itself desperately short of skilled machinists; only 2 of 40 applicants met the strict technical standards the work required. The company began to consider moving.

At that juncture, the development corporation, the chamber of commerce, representatives of the State employment service and the U.S. Department of Labor's Bureau of Apprenticeship and Training met together. The result was a communitywide training program for machinists. Classes were given in the Hazleton Vocational School, and pupils included not only workers from the company but unemployed workers from the area as well.

The State of Pennsylvania provided additional funds for equipment and facilities needed by the public school. A six-man labor and management committee was formed to conduct the program. The chamber of commerce initiated a survey of the skills of the work force in the Hazleton area, and as a result two classes in supervisory development were started on the Hazleton campus of the Pennsylvania State University on January 23 of this year. Courses in engineering, drafting and shop mathematics have been recently added.

That is the Hazleton story—one of wide community cooperation to fill the need to update and retrain workers. It occurred against a background of substantial unemployment as a result of the coal decline. In Phoenix, the economic context is different—but the need and response were the same.

Following a skills survey of the area a few years ago, farsighted Phoenix employers and labor organizations joined with civic and school groups to start training programs that would insure them the skilled manpower the future seemed to require. These educational programs are now in operation, supported by men from all segments of the community whose self-interest is also their city's interest, and, in the broad picture, their Nation's as well.

Many other communities have launched cooperative attacks on the skills problem. However, they will succeed, aided by some Federal programs, only if the national economy is providing jobs and business opportunity.

The issue before the President's Advisory Committee on Labor-Management Policy, then, has been not merely one of means or methods of communication, but of much broader scale considerations, aimed at creating an economic life within which automation can function freely and without harm.

The study of automation, a boon to some and a bogyman to others, brings one eventually to an essential element in American life: the public responsibility that resides within private decision in a free economy. It points up for the businessman the fact that the conduct of his business influences not only the lives and welfare of his employees, but the national welfare. It reminds labor leaders that constructive and creative planning must replace opposition based on short-term considerations. And it brings home to the public the realization that the cost of freedom in economic life is responsibility.

Enlightened businessmen, farsighted labor leaders and a responsible public can, together, make automation a general blessing. The policies and programs that will be emerging from industrial and national committees should be carefully watched by all Americans. They could well be the blueprint for a better world.

PULP, PAPER, AND PIONEERS

Mr. JAVITS. Madam President, the pioneering spirit of our country is well expressed in the epic story of the Crown Zellerbach Corp., of San Francisco, and its role over nearly 100 years in opening up the West to modern industrial techniques. The history of this outstanding publicly owned company offers a striking example of business in the public interest. Its story was the subject of an address before the American Newcomen Society in New York City, February 16, 1961, at a dinner honoring the corporation and J. D. Zellerbach, former U.S. Ambassador to Italy, and Harold L. Zellerbach, president of the Municipal Art Commission of San Francisco, both high officials of the Crown Zellerbach Corp. and grandsons of the founder, Anthony Zellerbach. I have been a personal friend of the Zellerbach brothers and have worked with them for a quarter of a century, know very well its president, Reed Hunt, and many in its management, and view its achievements with much gratification.

The Newcomen Society, named for Thomas Newcomen, famed 17th century British pioneer in the development of the steam engine, is a voluntary association interested in recording and preserving the history of American industrial history and records of corporate organizations that have contributed to the constructive development of natural resources.

I ask unanimous consent to have printed in the RECORD with my remarks excerpts from the address by Reed O. Hunt, president of Crown Zellerbach Corp., entitled "Pulp, Paper, and Pioneers."

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

Crown Zellerbach grew out of two parallel movements within the Pacific coast pulp and paper industry originating around 1870 in northern California and the Pacific Northwest. One of these began as a one-man system for distributing paper in San Francisco, the other as an effort to manufacture newsprint to supplement the uncertain shipments from the east coast around the Horn, by muleback across Panama, or by wagon train over the Oregon Trail.

* * * * * *

There is no corporate connection between Crown Zellerbach and the original Taylor mill, which ceased operating after the panic of 1893, and is today the site of a State park within easy driving distance of San Francisco. However, among its first managers were William Lewthwaite and his very able brother, "Uncle John" Lewthwaite, who helped to start up the company's own pioneer

mills in California, Oregon, and Washington, backed by San Francisco and Portland capital.

When Anthony Zellerbach arrived in San Francisco in 1868, the pioneer Taylor mill had been operating 12 years. Anthony, the grandfather of J. D. and Harold Zellerbach, had emigrated from Bavaria many years before and made his way to the gold rush country of California to join his brother Mark. He had remained at Moores Flat, in Nevada County, for a few years until the gold fever subsided, and then brought his small family by stagecoach and steamboat to San Francisco. When he arrived he was down to his last penny.

* * * * *

By 1876, Anthony had put enough money aside to rent a place of his own at Commercial and Sansome Streets. Ten years later, the business was worth $20,000. Fifty years later, in 1925, under the leadership of his son Isadore, it had evolved into the Zellerbach Corp. with assets of nearly $27 million.

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With Anthony Zellerbach and the Clackamas mill, two of the seeds which grew into the present company had been planted by 1870. A third was planted that year in Stockton, Calif., when Rufus Lane, a miller by trade and the mayor of Stockton, started the manufacture of paper in a room next to his flour mill. He induced John Lewthwaite to leave the Taylor mill and join him, persuaded a San Francisco financial syndicate to invest in a much larger enterprise and with their help launched the California Paper Co. in 1877, the largest paper manufacturing firm on the west coast up to that time.

The leader of the San Francisco syndicate was Henry Pierce, whose fortune was made in gold rush days and who was a contemporary of such titans of 19th century California as Leland Stanford, Mark Hopkins, and Charles Crocker. Capitalized at $300,000, the California Paper Co. began manufacturing newsprint and wrapping paper from straw in 1878. By 1889, it was on newsprint exclusively, supplying 425 tons a month to all but one of the metropolitan newspapers in the State. As the company grew, a new personality progressively took over the management. This was William Pierce Johnson, the talented and aggressive nephew of Henry Pierce, who was destined to become president of Crown Willamette Paper Co. and a major leader of the industry.

Yet by 1893 the Stockton mill and the California Paper Co. had disappeared, victims of economics and technology. They represented the peak of the pulp and paper industry of 19th century California, whose raw material had been straw from the Central Valley and the farms around San Jose and Santa Cruz.

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William Pierce Johnson looked to the Northwest for a source of woodpulp to save the Stockton mill. He bought pulp from the first groundwood mill in Oregon, on Young's River near Astoria, and then decided to build a pulpmill of his own at West Oregon City—known as West Linn today—on the west side of Willamette Falls opposite the site of the pioneer mill of W. W. Buck. The mill produced its first groundwood in 1889 and the following year introduced to the west coast the new chemical method of making pulp by cooking wood chips in steam and acid through the sulfite process. Paper production soon followed, and John Lewthwaite was brought up from Stockton as superintendent. The former newspaper clients of California Paper Co. were shortly thereafter being supplied more economically from West Linn.

Events began now to move more rapidly. The year that pulp production began in the Willamette Co. mill—1889—and on an adjoining site, another San Francisco group began construction of a mill to manufacture strawboard, straw paper, and manila wrap. The new syndicate was headed by S. D. Rosenbaum and Sigmund and Ludwig Schwabacher. Sigmund Schwabacher, who was not related to Ludwig, had interests in the Crown Flour Mills in Stockton, and they called their new firm the Crown Paper Co.

They had money, but not much papermaking experience, and Crown got off to a bad start in 1890. It lost money quickly and in 3 years was $250,000 in debt, prompting Louis Bloch to comment in later years that Crown had "a succession of papermill superintendents who knew more about bad whisky than they did about making good paper."

Crown was fortunate enough, however, to acquire the services of a very capable papermaker from the defunct Stockton mill, W. P. Hawley, who took charge at West Linn and moved the company into better times.

At the time Crown and Willamette began at West Linn, the original mill of Henry Pittock and William Lewthwaite had been moved from Park Place to a more favorable site on the Washington side of the Columbia River which Pittock named La Camas. Here in 1885, in the name of the newly organized Columbia River Paper Co., they built and started up the first paper mill in Washington, still a Territory at this stage, and introduced groundwood pulping in the Northwest.

Within a year the mill burned to the ground, a total loss. It was rebuilt on a larger scale in 1888, but without William Lewthwaite. The fire was a bitter personal blow and he withdrew into retirement not long afterward. In later years the fancy La was dropped from the name of the community, which is today the home of our Camas division, one of the largest specialty paper mills in the world.

The year the Camas mill was rebuilt young Isadore Zellerbach joined his father in San Francisco in the new firm of A. Zellerbach & Sons. Thus by 1890 the principal corporate forebears of Crown Zellerbach—A. Zellerbach & Sons, Columbia River, Willamette, and Crown—were all established.

Anthony Zellerbach was once described by a close friend as "a very just man, but set in his way." Isadore, or "I. Z." as he came to be known, had quite a different personality, and at an early stage his views about expanding the business began to prevail. The appearance of the Linotype machine in San Francisco in 1893, the year of the great panic, was a boon to the young firm, and by 1906, A. Zellerbach & Sons, wholesale paper dealers and stationers, had 18 offices, salesrooms, warehouses and lofts in San Francisco and a small outlet in Los Angeles. On April 17, 1906, the firm acquired another company with offices in both San Francisco and Oakland. In 15 hours, the earthquake and fire destroyed almost all of the Zellerbach locations in San Francisco. With the small stock of paper still left, the firm established headquarters in the Oakland office of the company it had so recently bought, rationing its remaining stocks to its regular customers at normal prices. Isadore Zellerbach was responsible for many other progressive customer relations policies, but the firm's actions in the crisis of the earthquake and fire consolidated its reputation, and set an example which is today a most important asset in the business.

Shortly afterward the partnership of A. Zellerbach & Sons was dissolved, and the first building completed after the fire was the new headquarters of what was now called Zellerbach Paper Co. I. Z. became president of the new firm, which proceeded to grow more rapidly than before, opening new sales offices in Portland, Seattle, San Diego, and Salt Lake City. Zellerbach Paper Co. is today a wholly owned subsidiary of Crown Zellerbach, one of the largest paper-distribution organizations in the country, and still growing.

By 1900, the three manufacturing companies were emerging from their pioneer period. Crown, having surmounted its original difficulties, launched a new venture in cooperation with the California fruit industry and the Fleishhacker interests of San Francisco, establishing a mill on the Truckee River at Floriston, Calif., in the Sierra Nevada. The Floriston mill was the first major assignment given Louis Bloch, who had been with Crown only 6 years at the time. Floriston, which drew its wood supply from the Sierras, was a significant development in the industry. It was designed to supply tissue and other papers to the very California food growers who had contributed toward the migration of the pulp and paper industry to the Northwest in the 1890's and who were now proving to be among the industry's best customers, as they are today.

With Floriston established, Bloch began negotiations with Fred W. Leadbetter, who had leased the Camas mill of Columbia River Paper Co. from his father-in-law, Henry Pittock. The result was the formation in 1905 of Crown-Columbia, the first important merger in the west coast industry. With mills at Camas, West Linn, and Floriston, Crown-Columbia was a substantial organization for its time and was hailed as "the largest merger west of Chicago." Crown, which owned 60 percent of the new company, retained full control of operations. Bloch became general manager in 1907 and Floriston, a separate company, was formally taken into the Crown-Columbia fold in 1911.

Within 3 years Louis Bloch and William Pierce Johnson had merged Crown-Columbia with Willamette to form the second largest paper manufacturing organization in the country—Crown Willamette Paper Co.

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Johnson became president of Crown Willamette and Bloch vice president and general manager, with both sharing executive authority. The general manager for manufacturing in the new company was A. J. Lewthwaite, son of the pioneer papermaker, William, and the nephew of "Uncle John."

In 1913, the year before the formation of Crown Willamette, Zellerbach Paper Co., a major customer of both Willamette and Crown Columbia, took a small step that was to lead to much larger consequences. The paper company had developed a market for the first interfolded towels in the country, soon outstripping the capacity of the small converter producing them. It acquired the converter, upgraded the product through new patents and in 1914 set up a national distribution organization called National Paper Products Co.

Isadore Zellerbach's original investment in the converting company was $11,000 for a half interest. During the following 14 years leading up to the formation of Crown Zellerbach, Zellerbach Paper Co.'s position in manufacturing grew to an investment of $11 million.

In the First World War, the Zellerbachs ran into paper shortages in their New York market for interfolded towels and took over a mill in Carthage, N.Y., to assure themselves of a source of supply. The same problem appeared on the west coast, aggravated by the growth of the western market itself. Supply shortages soon led the company further into manufacturing, first with the establishment of a small paperboard mill at Stockton, Calif., and then converting plants at Stockton, San Francisco, and Los Angeles to produce cartons and corrugated shipping cases.

Newsprint, which had flooded the western market at the outbreak of the war, was now acutely short. Crown Willamette, which

had brought the Ocean Falls mill into production in 1917 and supplied Zellerbach Paper Co., was not ready to invest in a new venture. The Zellerbachs went ahead on their own, establishing the Washington Pulp & Paper Co., which financed and built a new mill at Port Angeles, on the Olympic Peninsula of Washington. Port Angeles continues today as our principal center for newsprint production this side of the Canadian border.

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Paper was an expanding industry on the west coast during the twenties. * * *

Crown Willamette rode the wave along with the others. Camas introduced the kraft process to the west coast. West Linn installed the largest and fastest newsprint machine in the country, and considerable timber acreage was purchased. Crown went through a major financial reorganization itself in 1926 and for the first time its shares were listed on the New York and San Francisco Stock Exchanges.

As a sign of the times, William Randolph Hearst personally signed a 10-year contract with Crown in 1927, committing the production of 1 million tons of newsprint for his papers in Seattle, San Francisco, and Los Angeles. Encouraged by the prevailing business climate, Louis Bloch looked into a new $15 million newsprint mill at Campbell River on Vancouver Island.

The depression was to cancel this and many other plans. Indeed, the Campbell River project was deferred for 22 years. It is now the Elk Falls mill of Crown Zellerbach Canada, and one of the largest pulp, paper and lumber complexes in British Columbia.

Bloch did not take the proposal seriously until he returned to San Francisco. Within a week, A. J. Lewthwaite, by this time an executive vice president, was incapacitated by a stroke, and the new sales manager, Herbert Brightman, died shortly afterward of appendicitis. The burden on Louis Bloch and his remaining executive vice president, Archie Martin, was considerable.

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Isadore Zellerbach, on his own return from Europe, pressed the merger proposal even further with what Bloch later described as the "persistency and frequency" for which he was famous. Bloch thereupon agreed to open the negotiations with J. D. Zellerbach which led to the formation of Crown Zellerbach Corp. in 1928.

Because of the financial complications and Crown Willamette's relatively large amount of outstanding bonded debt and preferred stock, it was decided to use the Zellerbach Corp. as the principal instrument for the merger. Its name was changed to Crown Zellerbach, a holding company owning all the common stock of Crown Willamette, whose bonded debt and preferred stock were left alone. When the interests of the two firms were merged, Crown Zellerbach Corp. had outstanding 2 million shares of common stock, evenly divided between the former stockholders of Crown Willamette and the Zellerbach Corp., and the new board of directors reflected equal representation of the two former companies.

The new corporation represented assets of $96 million and 56 percent of the manufacturing capacity of the Pacific coast pulp and paper industry at that time. At the head of the new company were Isadore Zellerbach as president and Louis Bloch as chairman of the board. J. D. Zellerbach was made an executive vice president, and his brother Harold, vice president and president of Zellerbach Paper Co. The board of directors included George Towne, the son-in-law of William Pierce Johnson, and representatives of two pioneer families of the original Crown Paper Co., Herbert Fleishhacker and James Schwabacher, the son of Ludwig. Mr. Towne is an active member of our board today.

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Many of the company's present industrial relations policies are also largely a product of the depression years and reflect especially a viewpoint on collective bargaining put into practice by J. D. Zellerbach in the early thirties. The company did not oppose the rising tide of unionization of labor during the depression, but worked with other paper manufacturers on the west coast toward the establishment of industrywide collective negotiations with the unions representing mill employees. From this grew the practice of annual bargaining between the Pacific Coast Association of Pulp & Paper Manufacturers and the unions on a uniform labor agreement, the first of which was agreed upon in 1933. From the time this arrangement first went into effect, there has been no work stoppage in the industry on the west coast arising out of this agreement. The company also established a technical school at Camas to encourage an upgrading of both knowledge and skills among its employees. The Camas Paper School is now a recognized technical institution and has graduated a number of men who are today executives of the company.

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With the improvement in economic conditions by the midthirties, steps were taken to reorganize and refinance the corporation. Many of the subsidiary companies, including Crown Willamette, were liquidated and Crown Zellerbach became the operating company it is today. Isadore Zellerbach stepped out of active management to become chairman of the executive committee and his son, J. D. Zellerbach, was elected president. Louis Bloch continued as chairman of the board, but it was evident that the company's third generation of management had taken over.

J. D. Zellerbach became president of the corporation in 1938 and remained in this post for 18 years until his retirement and election as board chairman in 1956. Whatever growth the company and its predecessors had experienced in prior years was dwarfed by what occurred during this period.

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Crown's growth since 1945 has occurred in three major phases. From 1945 to 1950 the emphasis was on much greater diversification of product lines, a reaction from the experience of the depression years, but also an effort to capitalize on the many new uses for paper being developed at the time. We started at Camas by installing the first new paper machines added since 1930. At West Linn, we entered for the first time into the production and sale of coated magazine papers through contracts with Time, Inc., to supply their new regional printing facilities on the west coast. By 1948 we had increased capacity 36 percent, almost entirely in the diversified lines, such as industrial and food packaging materials, sanitary papers, and the new magazine papers. While our newsprint production was still on allocation, the other lines had to be aggressively sold and we began to build up the sales and marketing organization. The growth of the company and the industry through the many new uses of paper, the increasingly high costs of operations and raw materials wastage pointed toward much greater emphasis on research, and our present research program was launched during this first phase of expansion.

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The acquisition of Canadian Western was an important event in Crown's postwar history, and grew out of the company's increasing emphasis on better utilization of its raw materials resources.

Both the lumber and paper industries share the same raw material and for years have traded lumber and pulpwood logs with each other. Economic pressures and technological developments have brought the two industries closer together, and many of the pioneer timber companies in the Northwest are now large paper manufacturers. The highly mechanized modern sawmill can actually serve as a processing plant for pulp production, the finished lumber going into the building materials market and the residuals to the pulpmill.

The Canadian Western move was therefore a part of a general trend in the forest industries toward integrating pulp and lumber production, a movement very much in evidence today, and one which helped to transform Crown into a forest products company.

Through research in pulping wastes, we also began in the early fifties to develop chemicals derived from the pulping process. Chemical production has grown slowly, but took a significant step forward only last year with a major expansion of the company's chemical capacity through new facilities in the South.

By the mid-1950's, Crown was serving a large number of customers in the western regional market who themselves were national companies requiring national sources of supply. The paper market had also become national in scope, evidenced by the many eastern paper companies attracted into the west coast industry.

For the first time in its history, the company decided to make a major move off the west coast. The result was the important merger with Gaylord Container Corp., a company with a rich history of its own going back to the early days of the southern lumber industry. Since Gaylord was a large producer of paperboard and shipping containers, Crown sold its half interest in Fibreboard Products to enter the container field on a full-time, integrated basis. The company's equity in Fibreboard had grown from $5 million to nearly $38 million, a measure of the growth of the industry on the west coast since the late twenties.

The Gaylord merger initiated the company's third expansion phase since the war, which included the heaviest volume of new construction up to that time and the additional acquisition of the Waxide Paper Co. of Kansas City and St. Louis. Waxide also provided the company with the opportunity to service its food processing customers on a broader national basis. Its position in flexible packaging has taken it extensively into the production and sale of such noncellulose products as the plastic films, and the combination of paper with other nonwood materials.

The original contract with Time, Inc., to supply coated magazine papers on the west coast has led to still another move toward placing the company on a national basis. Having supplied the west coast coated magazine paper market since the war, Crown joined with Time to establish a new coated printing paper mill in St. Francisville, La. The mill, utilizing new technological developments, has been in production for about a year and a half.

On the west coast the company has also built a new paper manufacturing complex at Antioch, including Crown's first paper mill in California since Floriston. Antioch is also a product of change and technological development, since it receives its pulp from Elk Falls by means of a tanker designed to be a floating pipeline connecting the two mills. It represents in addition a move toward taking paper mills back to the major population centers, where they used to be in the days when rags, not wood, were the primary raw material of papermaking. As part of this general movement back to the

cities, we have also turned our Los Angeles converting plant into a paper mill by installing small paper machines designed for the manufacture of household paper products.

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In 1945, we were also still exclusively a paper company. Today we utilize our raw material resources not only for pulp, paper and paperboard and a wide range of finished products, but also for lumber, plywood, and chemicals. Our production has more than tripled and our volume of business has grown from under $100 million in 1945 to more than $550 million last year.

Crown Zellerbach has thus traveled some distance since the day Anthony Zellerbach opened up his small store in the basement of Remington & Co. in San Francisco, or the day Rufus Lane began manufacturing paper next to his flour mill in Stockton, or when Henry Pittock and William Lewthwaite turned over their paper machine for the first time at Park Place on the Clackamas River.

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The Crown Zellerbach story covers a period of close to 100 years, and is something of a saga of growth in the West. I have spoken of the pioneer period and the post-pioneer period, and have taken the story, so far as it can be told in a short period of time, down to the present day.

It is altogether possible that 100 years from now another executive of our organization may be invited to appear before the Newcomen Society and describe how we are doing in the interplanetary market, or how trees are grown in months and days instead of years. If this should happen, he may well refer to these first 100 years as a whole as the pioneer period. I rather hope he would, and that we of the mid-20th century stand the test of time as well as those whom we call pioneers today.

PUBLIC SUPPORT FOR PEACE CORPS

Mr. HUMPHREY. Madam President, the public response to the call of the Peace Corps has been overwhelming as indicated by the voluminous mail which I, as well as my colleagues, have been receiving daily. This is more than understandable in light of the opportunity which this program offers all Americans—the opportunity to do something truly constructive for their country and for the world.

Further documentation of the widespread response has been indicated in the recent What America Thinks poll and I ask unanimous consent that the report of this poll as published in the April 9 Sunday Star be printed in the RECORD.

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

WHAT AMERICA THINKS—POLL INDICATES PUBLIC BACKS PEACE CORPS

NEW YORK, April 8.—Americans largely favor the new Peace Corps and would encourage young people to join it, this week's "What America Thinks" poll indicates.

A nationwide cross section of the public was asked by interviewers:

"If you knew a young person qualified to serve in the Peace Corps, would you advise him or her to volunteer?"

The answers, in percentages, were:

Yes	47.4
No	22.1
Other	30.5

Those with other than yes or no answers included many who said that the decision should be left entirely to the young people themselves, that people should be urged to join only if they had special skills and that they should join only if it would not interfere with careers and marriage.

OTHER RESPONSES

Also in this group were those who said they had not reached a conclusion.

When the responses of only those with yes or no opinion are considered, the percentages are:

Yes	68
No	32

Of those saying yes, the most common reasons were that the Peace Corps would win friends in neutral nations, that it would show others exactly what Americans were like, that it would tend to spread the spirit of peace in the world and that it would be valuable experience and education for those who volunteered.

Many had more specific reasons. "Young persons can go into situations without long-standing misconceptions about other people," said a New York cafe owner. "It will work under the Kennedy administration, but not under any other," declared the wife of a Texas busdriver.

SOME DOUBTERS

"By really helping underprivileged people is the only way we can have world fellowship, and since the young people of our country will be the leaders of tomorrow, this experience will be valuable to both them and the Nation," said the wife of the owner of a small Rhode Island business.

Among those who said no, many said that the Peace Corps idea would not work, that America would be regarded as interfering with domestic affairs of other nations, and that we should solve our own problems before attempting to solve the world's.

Some of the more specific answers were:

"Primarily, it's a draft dodge," said a Nebraska insurance salesman. "I think the whole thing is a big joke and all the college boys I've met in the last few weeks think the same," said a Massachusetts lawyer.

"Young people should stay here and complete their education," said the wife of a Nevada truckdriver.

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 the bill (S. 278) to amend title II of the Vocational Education Act of 1946, relating to practical nurse training, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 1) to establish an effective program to alleviate conditions of substantial and persistent unemployment in certain economically distressed areas, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SPENCE, Mr. PATMAN, Mr. RAINS, Mr. MULTER, Mr. KILBURN, Mr. MCDONOUGH, and Mr. WIDNALL were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 567. An act to authorize longer term leases of Indian lands on the Torres-Martinez Reservation in Riverside County, Calif.;

H.R. 846. An act to amend title 38 of the United States Code to provide additional compensation for veterans having the service-connected disability of deafness of both ears;

H.R. 859. An act to repeal chapter 43 of title 38, United States Code;

H.R. 873. An act to amend section 314(k) of title 38, United States Code, to provide an increased statutory rate of compensation for veterans suffering the loss or loss of use of an eye in combination with the loss or loss of use of a limb;

H.R. 1291. An act for the relief of Oakley O. Warren;

H.R. 1297. An act for the relief of Mrs. Maud A. Provoost;

H.R. 1320. An act for the relief of Edward P. Wall;

H.R. 1329. An act for the relief of Kim Hyoung Geun;

H.R. 1346. An act for the relief of John Napoli;

H.R. 1351. An act for the relief of Danica Dopudja;

H.R. 1366. An act for the relief of Hans E. T. Hansen;

H.R. 1367. An act for the relief of Mina and Henek Sznaider;

H.R. 1368. An act for the relief of Maurice Devlin;

H.R. 1379. An act for the relief of the dependents or estate of Carroll O. Seitzer;

H.R. 1397. An act for the relief of Arthur B. Tindell;

H.R. 1424. An act for the relief of Benjamin E. Campbell;

H.R. 1447. An act for the relief of Wladyslaw Figura;

H.R. 1453. An act for the relief of Mario Menna;

H.R. 1461. An act for the relief of Pedro Bigornia Bandayrel;

H.R. 1467. An act for the relief of Modesta Pitarch-Martin Dauphinais;

H.R. 1478. An act for the relief of Miss Marie E. Mark;

H.R. 1481. An act for the relief of Rosemary B. Patmour;

H.R. 1501. An act for the relief of Mrs. Elizabeth Fowler;

H.R. 1508. An act for the relief of Mary A. Combs;

H.R. 1523. An act for the relief of Kazimiera Marek;

H.R. 1535. An act for the relief of Erwin P. Milspaugh;

H.R. 1572. An act for the relief of Mrs. Sato Yasuda;

H.R. 1578. An act for the relief of Mah Quock;

H.R. 1610. An act for the relief of Mr. and Mrs. Moses Clikowsky;

H.R. 1621. An act for the relief of Miss Kristina Voydanoff;

H.R. 1622. An act for the relief of Dr. George Berberian;

H.R. 1663. An act for the relief of Dr. Hans J. V. Tiedemann and family;

H.R. 1704. An act for the relief of Lee Shee Won;

H.R. 1871. An act for the relief of Min Ja Lee;

H.R. 1873. An act for the relief of Anna Stanislawa Ziolo;

H.R. 1886. An act for the relief of Panagiotis Sotiropoulos;

H.R. 1895. An act for the relief of Henry and Edna Robinson;

H.R. 1896. An act for the relief of the Maritime Museum Association of San Diego;

H.R. 1902. An act for the relief of Louis Lewis;

H.R. 2086. An act for the relief of Earl H. Spero;

H.R. 2090. An act for the relief of Mr. and Mrs. Christian Voss;

H.R. 2101. An act for the relief of Evelina Scarpa;

H.R. 2129. An act for the relief of John Calvin Taylor;

H.R. 2138. An act for the relief of Raymond G. Greenhalgh;
H.R. 2143. An act for the relief of Capt. Arnold M. Anderson;
H.R. 2158. An act for the relief of certain aliens;
H.R. 2179. An act for the relief of Essie V. Johnson;
H.R. 2180. An act for the relief of Eugene C. Harter;
H.R. 2188. An act for the relief of Lt. Matthew A. Wojdak, U.S. Navy (retired);
H.R. 2195. An act to convey certain land of the Pala Band of Indians to the Diocese of San Diego Education & Welfare Corp.;
H.R. 2331. An act for the relief of Peggy Loene Morrison;
H.R. 2354. An act for the relief of Mr. Louis Fischer, Feger Seafoods, and Mr. and Mrs. Thomas R. Stuart;
H.R. 2681. An act for the relief of Terata Kiyoshi Johnston;
H.R. 2816. An act for the relief of CWO James M. Cook;
H.R. 2972. An act for the relief of Mrs. Cornelia Fales;
H.R. 2993. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States;
H.R. 3010. An act for the relief of Wintford Jesse Thompson;
H.R. 3105. An act for the relief of Christine Fahrenbruch, a minor;
H.R. 3129. An act for the relief of Alfonso Giangrande;
H.R. 3383. An act for the relief of Joseph Starker;
H.R. 3402. An act for the relief of Carmelo Spagnoletti;
H.R. 3498. An act for the relief of William Joseph Vincent;
H.R. 3572. An act to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota;
H.R. 3575. An act to authorize longer term leases of Indian lands on the Dania Reservation in Florida;
H.R. 3606. An act for the relief of William C. Winter, Jr., lieutenant colonel, U.S. Air Force (Medical Corps);
H.R. 3634. An act for the relief of Miss Hedwig Dora;
H.R. 3842. An act for the relief of James Delbert Hodges;
H.R. 3850. An act for the relief of Clark L. Simpson;
H.R. 4206. An act for the relief of Melvin H. Baker and Frances V. Baker;
H.R. 4217. An act for the relief of David Tao Chung Wang;
H.R. 4219. An act for the relief of the estate of William M. Farmer;
H.R. 4349. An act to place Naval Reserve Officers' Training Corps graduates (Regulars) in a status comparable with U.S. Naval Academy graduates;
H.R. 4476. An act for the relief of Cato Brothers, Inc.;
H.R. 4500. An act to donate to the heirs of Anthony Bourbonnais approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla.;
H.R. 4635. An act for the relief of Hattie and Joseph Patrick, Sr., and for the legal guardian of Betty Ann Smith and the legal guardian of Stanley Smith, and for the legal guardian of James E. Harris, Jr.;
H.R. 4640. An act for the relief of the estate of Charles H. Biederman;
H.R. 4713. An act for the relief of Robert Burns DeWitt;
H.R. 5176. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;
H.R. 5178. An act for the relief of the Reynolds Feal Corp., New York, N.Y., and the Lydick Roofing Co., Fort Worth, Tex.;
H.R. 5179. An act for the relief of the U.S. Display Corp.;
H.R. 5180. An act for the relief of Dr. Ferenc Domjan and others;
H.R. 5457. An act for the relief of Doris A. Reese; and
H.J. Res. 143. Joint resolution authorizing the President to proclaim the week in May 1961 in which falls the third Friday of that month as National Transportation Week.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H.R. 567. An act to authorize longer term leases of Indian lands on the Torres-Martinez Reservation in Riverside County, Calif.;
H.R. 2195. An act to convey certain land of the Pala Band of Indians to the Diocese of San Diego Education & Welfare Corp.;
H.R. 3572. An act to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota;
H.R. 3575. An act to authorize longer term leases of Indian lands on the Dania Reservation in Florida; and
H.R. 4500. An act to donate to the heirs of Anthony Bourbonnais approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla.; to the Committee on Interior and Insular Affairs.
H.R. 846. An act to amend title 38 of the United States Code to provide additional compensation for veterans having the service-connected disability of deafness of both ears;
H.R. 859. An act to repeal chapter 43 of title 38, United States Code; and
H.R. 873. An act to amend section 314(k) of title 38, United States Code, to provide an increased statutory rate of compensation for veterans suffering the loss or loss of use of an eye in combination with the loss or loss of use of a limb; to the Committee on Finance.
H.R. 1291. An act for the relief of Oakley O. Warren;
H.R. 1297. An act for the relief of Mrs. Maud A. Provoost;
H.R. 1320. An act for the relief of Edward P. Wall;
H.R. 1329. An act for the relief of Kim Hyoung Geun;
H.R. 1346. An act for the relief of John Napoli;
H.R. 1351. An act for the relief of Danica Dopudja;
H.R. 1366. An act for the relief of Hans E. T. Hansen;
H.R. 1367. An act for the relief of Mina and Henek Sznaider;
H.R. 1368. An act for the relief of Maurice Devlin;
H.R. 1379. An act for the relief of the dependents or estate of Carroll O. Seitzer;
H.R. 1397. An act for the relief of Arthur B. Tindell;
H.R. 1424. An act for the relief of Benjamin E. Campbell;
H.R. 1447. An act for the relief of Wladyslaw Figura;
H.R. 1453. An act for the relief of Mario Menna;
H.R. 1461. An act for the relief of Pedro Bigornia Bandayrel;
H.R. 1467. An act for the relief of Modesta Pitarch-Martin Dauphinais;
H.R. 1478. An act for the relief of Miss Marie E. Mark;
H.R. 1481. An act for the relief of Rosemary B. Patmour;
H.R. 1501. An act for the relief of Mrs. Elizabeth Fowler;
H.R. 1508. An act for the relief of Mary A. Combs;
H.R. 1523. An act for the relief of Kazimiera Marek;
H.R. 1535. An act for the relief of Erwin P. Milspaugh;
H.R. 1572. An act for the relief of Mrs. Sato Yasuda;
H.R. 1578. An act for the relief of Mah Quock;
H.R. 1610. An act for the relief of Mr. and Mrs. Moses Clikowsky;
H.R. 1621. An act for the relief of Miss Kristina Voydanoff;
H.R. 1622. An act for the relief of Dr. George Berberian;
H.R. 1663. An act for the relief of Dr. Hans J. V. Tiedemann and family;
H.R. 1704. An act for the relief of Lee Shee Won;
H.R. 1871. An act for the relief of Min Ja Lee;
H.R. 1873. An act for the relief of Anna Stanislawa Ziolo;
H.R. 1886. An act for the relief of Panagiotis Sotiropoulos;
H.R. 1895. An act for the relief of Henry and Edna Robinson;
H.R. 1896. An act for the relief of the Maritime Museum Association of San Diego;
H.R. 1902. An act for the relief of Louis Lewis;
H.R. 2086. An act for the relief of Earl H. Spero;
H.R. 2090. An act for the relief of Mr. and Mrs. Christian Voss;
H.R. 2101. An act for the relief of Evelina Scarpa;
H.R. 2129. An act for the relief of John Calvin Taylor;
H.R. 2138. An act for the relief of Raymond G. Greenhalgh;
H.R. 2143. An act for the relief of Capt. Arnold M. Anderson;
H.R. 2158. An act for the relief of certain aliens;
H.R. 2179. An act for the relief of Essie V. Johnson;
H.R. 2180. An act for the relief of Eugene C. Harter;
H.R. 2188. An act for the relief of Lt. Matthew A. Wojdak, U.S. Navy (retired);
H.R. 2331. An act for the relief of Peggy Loene Morrison;
H.R. 2354. An act for the relief of Mr. Louis Fischer, Feger Seafoods, and Mr. and Mrs. Thomas R. Stuart;
H.R. 2681. An act for the relief of Terata Kiyoshi Johnston;
H.R. 2816. An act for the relief of CWO James M. Cook;
H.R. 2972. An act for the relief of Mrs. Cornelia Fales;
H.R. 2993. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States;
H.R. 3010. An act for the relief of Wintford Jesse Thompson;
H.R. 3105. An act for the relief of Christine Fahrenbruch, a minor;
H.R. 3129. An act for the relief of Alfonso Giangrande;
H.R. 3383. An act for the relief of Joseph Starker;
H.R. 3402. An act for the relief of Carmelo Spagnoletti;
H.R. 3498. An act for the relief of William Joseph Vincent;
H.R. 3606. An act for the relief of William C. Winter, Jr., lieutenant colonel, U.S. Air Force (Medical Corps);
H.R. 3634. An act for the relief of Miss Hedwig Dora;
H.R. 3842. An act for the relief of James Delbert Hodges;
H.R. 3850. An act for the relief of Clark L. Simpson;
H.R. 4206. An act for the relief of Melvin H. Baker and Frances V. Baker;
H.R. 4217. An act for the relief of David Tao Chung Wang;
H.R. 4219. An act for the relief of the estate of William M. Farmer;

H.R. 4476. An act for the relief of Cato Bros., Inc.;

H.R. 4635. An act for the relief of Hattie and Joseph Patrick, Sr., and for the legal guardian of Betty Ann Smith and the legal guardian of Stanley Smith, and for the legal guardian of James E. Harris, Jr.;

H.R. 4640. An act for the relief of the estate of Charles H. Biederman;

H.R. 4713. An act for the relief of Robert Burns DeWitt;

H.R. 5176. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;

H.R. 5178. An act for the relief of the Reynolds Feal Corp., New York, N.Y., and the Lydick Roofing Co., Fort Worth, Tex.;

H.R. 5179. An act for the relief of the U.S. Display Corp.;

H.R. 5180. An act for the relief of Dr. Ferenc Domjan and others;

H.R. 5457. An act for the relief of Doris A. Reese; and

H.J. Res. 143. Joint resolution authorizing the President to proclaim the week in May 1961 in which falls the third Friday of that month as National Transportation Week; to the Committee on the Judiciary.

H.R. 4349. An act to place Naval Reserve Officers' Training Corps graduates (Regulars) in a status comparable with U.S. Naval Academy graduates; to the Committee on Armed Services.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

JUVENILE DELINQUENCY ACT OF 1961

Mr. SMITH of Massachusetts. Madam President, I move that the Senate proceed to the consideration of Calendar 126, Senate bill 279, the Juvenile Delinquency Act of 1961.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 279) to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems, which has been reported from the Committee on Labor and Public Welfare with amendments.

AMENDMENT OF ANTITRUST LAWS WITH RESPECT TO MANUFACTURE AND DISTRIBUTION OF DRUGS

Mr. KEFAUVER. Madam President, I introduce, for appropriate reference, a bill which I hope will be referred to the Committee on the Judiciary. The bill is to amend and supplement the antitrust laws with respect to the manufacture and distribution of drugs, and for other purposes. A companion bill is today being introduced in the House of Representatives by Representative EMANUEL CELLER, who has long been interested in this problem, and is the able chairman of the Judiciary Committee of the House of Representatives.

Since December 1959, the Senate Antitrust and Monopoly Subcommittee has engaged in substantially continuous studies and hearings on administered prices in the ethical drug industry.

Some 13 substantial volumes of testimony were taken during the course of those hearings, which constituted a great deal of work on the part of the members of the committee who have been interested, and very excellent and painstaking work on the part of the staff of the Antitrust and Monopoly Subcommittee. I wish now to compliment them upon their devotion to and their work on this problem.

These studies and hearings appeared timely for a number of reasons, some of which I shall briefly mention.

There have been many complaints about the high cost of drugs and particularly those which must be purchased by the consumer on prescription of a duly qualified physician. The sick who need these drugs cannot choose between brands as in the case of most other consumer products. Consumers who pay are captives of the drug industry. They are unable to protect themselves by shopping around for the identical product at lower prices.

Our hearings have revealed a direct connection between these high costs of drugs and the manner in which drugs are advertised and sold. The largest drug manufacturers spend an average of 24 percent of the sales dollar on sales promotion and advertising to doctors. This is in part for the purpose of persuading the doctors to prescribe by trade name instead of by generic name. The doctors now prescribe largely by trade names. The result is that consumers have to pay prices which are several times the prices for the same product sold under generic names.

One objective of the bill is to give even greater assurance to the physician that his patients will receive drugs of fully adequate and acceptable quality, regardless of whether they are prescribed by trade or generic name. Where drugs which are not subject to patent controls are prescribed by generic name, small manufacturers can market their drug products, competition will flourish, and consumers will benefit from lower prices.

It also appeared that free competition has been hampered by patent monopoly control of prescription sales. Patent monopolies by the larger companies abound in the drug industry. The hearings have dealt with this problem.

The need for action stems basically from the fact that, by any test and under any standard, prices and profits in the ethical drug industry are excessive and unreasonable. The Federal Trade Commission-Securities and Exchange Commission series "Quarterly Financial Report for Manufacturing Corporations" presents financial data for corporations classified by the Standard Industrial Classification. These data show that in 1959 the rate of return on net worth in the drug industry was 18.1 percent, as compared with 10.5 percent for all manufacturing corporations, and as a percent of sales, 10.3 percent for drugs and 4.8 percent for all manufacturing corporations. According to new figures just issued by the First National City Bank, the drug industry in 1960 once again showed a higher rate of profit on investment—after taxes and after all expenses including research—than any other industry.

The time has arrived for action by the Congress to reduce the excessive and unwarranted charges upon those who are least able to afford them—the Nation's sick and afflicted.

The subcommittee has received and continues to receive correspondence from people in all walks of life throughout the country. These letters are almost unanimous in commending our work in drugs. Most of them express in words or tenor the desire for legislative action.

If we are to meet these demands of the people and make possible lower costs to them, our drug laws must be strengthened so as to assure doctors that every prescription drug on the market is in conformity with proper standards and that it is made by a qualified manufacturer, regardless of the name under which it is promoted. Doctors must be in a position to know that a drug sold under its official name is as good as the same drug under a trade name, and that every manufacturer of that drug has met standards common to all manufacturers of that drug.

We must also make certain that competition is not hampered through long-maintained patent controls. Our patent laws grant a 17-year monopoly on new drug products. Alone among the industrialized nations of the world, we grant product patents on drugs with no provision for compulsory licensing or any other protection to the public interest. Since drugs are vital to the health of the Nation, we must recognize that some limitations on patent monopolies are justified by the captive position of the users and the relationship of drugs to public health.

This bill makes those approaches to the problem revealed by the hearings. It offers with respect to drugs amendments to the Sherman Act, the patent laws, and the food and drug laws.

I now will discuss the provisions of the bill and their legislative purpose.

SHERMAN ACT AMENDMENT

The Sherman Act would be amended, in section 2 of the bill, by adding to that act a new section 7. This section makes violative of sections 1 and 3 of the Sherman Act any contract, combination, or conspiracy relating to drugs whereby any party thereto undertakes to first, withdraw or cause to be withdrawn any pending patent application; second, concede priority of invention to another patent applicant in connection with any agreement to split royalties between the applicants for the patent, to grant more favorable royalty rates to any other applicant for the patent than to anyone who was not an applicant, or to grant patent licenses only to other applicants for the patent; or third, refrain from granting or induce another to refrain from granting any patent license for any drug.

This section would restore free competition in drug patents and result in patents being issued to inventors on the merits of their claims, instead of through agreements of the drug manufacturers. The section would not prohibit a bona fide sale and assignment of the property right in a patent application, since the section does not in-

clude assignments. It would also assure the granting of patent licenses at the will of the patentee, without interference from anyone else.

The hearings showed a large number of cases in which competing patent applications were settled through private agreement, rather than by action of the Patent Office on the merits of the patent application. Frequently this procedure resulted in patent licenses with restraining provisions. An example of such provisions frequently used was limiting sales by the licensee to final package form only, thereby curbing competition by preventing licensees from making bulk sales of the product to smaller companies. Another common device was limiting licensees to the parties involved in the private agreement.

PATENTS FOR DRUGS

Section 3 of the bill amends sections 100, 101, 135, and 154 of title 35 of the United States Code, all of which relate to patents.

Section 100 of title 35 defines various terms used in the patent laws. The bill, section 3(a), adds a definition of the term "drug," the same as defined in section 201 of the Federal Food, Drug, and Cosmetic Act, except that "drug" as used in the bill is limited to a drug which may be dispensed only on prescription of a qualified physician, commonly called a prescription drug.

Section 101 of title 35 of the code delimits those inventions which are patentable. Section 3(b) of the bill adds to section 101 new provisions with respect to the patentability of two kinds of prescription drugs. Those drugs consist of first, any drug which is a combination of two or more drugs already in existence, whether patented or unpatented; and second, any drug which is merely a molecular or other modification of an existing drug.

The bill simply says that such a modification of a drug or a combination of drugs is not patentable unless the Secretary of Health, Education, and Welfare has determined that the therapeutic effect of the modified drug or combination of drugs is significantly greater than the therapeutic effect of the drug before modification, or the drugs in combination when taken separately. Unless there is such a greater therapeutic effect, the public gains nothing from having this modification or combination placed on the market. Unless these conditions are met, no new drug is discovered, and the patent monopoly should not be granted.

In order to make effective these provisions as to patentability of combination or modified drugs, the Commissioner of Patents shall request the Secretary to make determinations required in the bill and the Secretary is authorized to do so.

In our drug hearings, it has been shown that many U.S. patents have been issued on slight molecular modifications of drugs about which medical experts testified there was no difference in the therapeutic effect as compared with their predecessors already on the market. Indeed, in some instances, their therapeutic effect was no greater while their side effects were more serious. Yet manufacturers, after obtaining such patents and even after the application is filed, are in position to and do put on costly promotion campaigns to sell doctors on the new drug's supposed advantages. Hearings have shown by recognized authorities in this field that such claims often are unwarranted, or at least very doubtful. This situation permits the manufacturer to continually extend his patent period by such new patents and to remain insulated from competition by patent protection. It affords new occasions for extensive promotions of so-called new drugs which are not in fact novel.

New drugs, if truly more efficacious to the patient, are of great interest to doctors, patients, and all of us. Significant advances have been made in recent decades, and we are fortunate in having these available. At the same time, it is unfair to the public and to the great many doctors who are in no position to determine the truth, to permit the grant of patents unless their added therapeutic value has been determined by experts under the direction of the Secretary. In the public interest, they should make the determinations before a patent monopoly has been vested in the manufacturer. We are not dealing with gadgets, but products of health, life, and death.

Section 3(c) of the bill would amend section 135 of title 35 of the United States Code. Section 135 provides for interference procedure in the Patent Office when an application for a patent is filed which would interfere with any pending application, in the opinion of the Commissioner of Patents. The bill adds to section 135 the requirement that patents on new drugs shall be issued as of the effective date of the new drug. The law now requires an application for approval of a new drug to be filed with the Secretary of Health, Education, and Welfare. As to drugs which do not require such a new drug application, the bill fixes the date of the filing of the patent application as the effective date of the patent.

The hearings by the subcommittee revealed that, frequently, the issuance of drug patents was long delayed where interferences were involved. Yet the applicants acted during the pendency of the interference in a manner similar to that where a valid patent had been issued. In this way the effect was to extend the patent protection period far beyond the 17 years fixed by our patent laws. If this is not prevented, the effect of the next section of the bill could be greatly limited.

The next section is 3(d) which would amend section 154 of title 35 of the code. Section 154 specifies the contents and term of a patent. It gives to the patentee the right to exclude others from making, using, or selling the invention for a period of 17 years from issuance of the patent.

Section 3(d) of the bill would grant in a drug patent the right to the patentee to exclude others from making, using, or selling the patented drug for a period of 3 years from the date of filing the patent application, and for an additional period, not exceeding 14 years, during which the patentee grants to each qualified applicant an unrestricted license to make, sell, and use that drug. If after the first 3 years, and during the additional period, the patentee fails to grant a license to a qualified applicant within 90 days from the date of the application in writing, the patentee is required to report such failure to the Commissioner of Patents. After receiving such a report or after a determination made by the Commissioner on his own motion of such failure to grant a license, the Commissioner shall cause notice of termination of that patent to be published in the Federal Register and to be endorsed on subsequent copies of the patent distributed by the Patent Office.

The term "qualified applicant" is defined as one who holds an unsuspended and unrevoked license to make, prepare, or propagate that drug by the Secretary of Health, Education, and Welfare, under section 508 of this bill. Thus, any doubt of who is a qualified applicant is removed.

The term "unrestricted license" includes a grant of technical information required for the safe and efficacious manufacture, preparation, or propagation of that drug. It excludes all limitations or restrictions on the manufacture, use, or sale of that drug other than the payment of a royalty not exceeding 8 percent of the gross selling price received by the licensee for the sale of that drug. This maximum royalty is in fact higher than the royalties usually charged in the industry, as shown by the licensing agreements printed in our hearings. The patent holder is also prohibited from discriminating in royalty rates between licensees based on differences of uses or form in which sold by the licensees.

If Congress is to accomplish anything of substantial benefit to our sick and afflicted people in the cost of medicine, we must pass legislation which will encourage a more competitive market in drugs. To me, there appears to be two alternatives—price control or providing for freer competition. I am opposed to price controls. The better course is within the framework of our free enterprise system.

The subcommittee's studies have revealed high prices and exceptionally high profits. It appears clear that these result from control over the market and the manner in which that control is exercised. Although there are many factors involved, the principal sources of market control seem to be first, patent control; second, the extensive and costly advertising and promotion costs directed to physicians; and third, the persuasion of doctors to prescribe by brand names rather than generic names.

Subsequent sections of the bill are designed to encourage and foster reduced prices of drugs by placing physicians in position to prescribe by generic rather than brand names, with assurance to themselves and their patients of the best possible drug, regardless of the name by which it is prescribed.

The amendments to the patent laws are intended to relieve the high degree

of patent control indicated by the hearings. Such patent control has a direct relationship to prices of drugs.

The State Department obtained for the subcommittee price information as of the spring of 1959 in leading cities in 17 foreign countries. We also obtained from each of those countries information relating to their patent laws on drugs. Comparison was made of average prices for each of 12 major drug products in countries with product patents on drugs and in countries without product patents. In all of the 12 drugs, average prices in countries without product patents were lower than the average prices in countries with product patents.

Comparison of average prices in countries without and those with patent protection in drug products patented by U.S. firms and sold abroad by U.S. firms in the spring of 1959 also showed prices considerably higher in countries with than in those without patent protection.

It may be said by some that the solution demands an abolition of drug patents. I do not wish to go this far. Rather, I would maintain the framework of our long-recognized patent system, and in this particular industry provide for compulsory licensing.

Some have suggested to the subcommittee that the prescription drug industry should be treated as a public utility. This reasoning is based on the fact that the buyers are captive and on the peculiar importance of drugs to the health of the Nation.

The bill takes neither of these approaches. Its approach is the competitive approach. The amendment to the Sherman Act assures free competition in the obtaining of patents without restrictive arrangements. The successful applicant for a patent is given full enjoyment of his usual patent monopoly for a period of 3 years. This should be ample time for the patentee to recover his research outlays if he has actually discovered a novel product. After that time he must license qualified applicants, but may continue to draw compensation from his patent in the form of royalties amounting to as much as 8 percent of sales. At the same time, it will aid in creating competition from which consumers should benefit.

Those opposed to the patent law amendments of the bill may say that the bill will destroy incentive to discover new drugs and research in that field. This is not borne out by the record. An extensive list of important drug discoveries according to the place of discovery reveals that drug discoveries in foreign countries without product patents outnumber those in countries with patent protection by 10 to 1.

Furthermore, we should see that patent monopolies of drugs, vital to the public health, are not created or extended with respect to products which in fact do not constitute a novel and significant contribution to the science of medicine.

FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

Section 4 of the bill amends certain existing sections of the Federal Food, Drug, and Cosmetic Act and adds new sections to that act, particularly with respect to licensing producers of prescription drugs by the Secretary and designating official titles of drugs. In addition to license requirements, the drug laws are amended in some respects to assure doctors and the public that all prescription drugs are safe and efficacious for the uses for which they are intended.

Section 301 of that act prescribes certain prohibited acts. The bill, section 4, subsection 3, would change subsection (a) of section 301, which prohibits the introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded. The bill preserves that prohibition. It further prohibits the introduction into interstate commerce of any drug, which is required under section 503(b)(1) of the Food, Drug, and Cosmetic Act, to be dispensed only on a doctor's prescription unless that drug was manufactured, propagated, or prepared by a person who at that time held an unsuspended and unrevoked license required under section 508 of this bill. Thus, to enter interstate commerce the drug must not be adulterated or misbranded. If it is a prescription drug, it must have been manufactured by a duly licensed manufacturer at the time of this production.

Section 502 of the Food, Drug, and Cosmetic Act prescribes when a drug is misbranded. Paragraph (c) of that section specifies the contents of the label on a drug when in package form. Paragraph (b) of subsection 4(b) of the bill adds to those label requirements first, the manufacturer's license number, if he has a license from the Secretary under section 508 of the bill; second, a statement of the quantity of the package contents, third, the official name of the drug in type as large and as prominent as that used for any brand name appearing on the label; and, fourth, the date, if any, after which the drug cannot be expected beyond reasonable doubt to produce its intended specific results.

This amendment is to advise the pharmacist, doctor, and public that the drug has been made by a duly approved manufacturer, to help the physician to identify the family to which the drug belongs by showing clearly the official name of the product, and to supply essential information on the period of the drug's effectiveness. The importance of these requirements will be evident in connection with later sections of the bill. A later section of the bill requires the Secretary to approve and cause to be published such official names for all drugs.

Subsection (5) of section 4 of the bill declares misbranded any drug which is fabricated from two or more ingredients unless the label carries the official name and quantity of each active ingredient.

Subsection (6) of section 4 of the bill adds to the labeling requirements for certain antibiotic drugs now named in the law the same requirements as to all other antibiotic drugs.

Subsection (7) of the bill adds two new paragraphs to the misbranding section (502) of the existing act.

The manufacturer is required to include in information transmitted by mail to the doctors a true copy of all printed matter which the Secretary has required to be included in the package in which the drug is sold. Although it is the doctor who prescribes and who needs the information shown in the printed matter, the package insert at present goes regularly not to the physician but to the pharmacists to whom it can be at best only a matter of academic interest. It is only commonsense that the printed matter in the package which may, and frequently does, contain essential cautionary information which is not shown in advertising material sent to doctors, be automatically furnished to the doctors in convenient form.

Section 505 of the Food, Drug, and Cosmetic Act requires the manufacturer to file an application with the Secretary for approval before introducing a new drug into interstate commerce. However, the present act does not require the manufacturer of the new drug to furnish to doctors the information required to be included in the package insert. The bill would require this to be done by the manufacturer. The need for this amendment is shown by the frequent failure, as revealed in the subcommittee's hearings, of manufacturers to present essential information on side effects in the promotional material sent to doctors. The advantages of the drug are usually emphasized to doctors while the dangers of the drug are glossed over. I believe the doctor should have the exact findings as approved by the Secretary. It will be no more difficult or costly for the manufacturer to furnish to doctors these findings than its own versions designed to minimize the undesirable aspects of the drug.

The bill, subsection (7)(m)(2), also requires all advertisements and other printed material issued by the producer of the new drug to include the official name of the drug, a warning approved by the Secretary as to any dangerous or harmful effect, and a full and correct statement of the drug's efficiency. It is obvious that doctors should be given full and accurate knowledge of a drug in the manufacturer's printed material which is issued for the primary purposes of promoting its use. This provision includes all forms of advertising by all methods of dissemination to physicians.

Subsections (8) and (10) of section 4 of the bill further amend section 505 of the Food, Drug, and Cosmetic Act with respect to application for approval of new drugs by adding efficiency of the drug to the tests of strength, quality, and purity now required by law. A new drug should not be approved unless it is efficacious in use for the purposes which it is intended to serve. An otherwise completely safe drug can be dangerous to the patient if it does not have the therapeutic effect in use which it is represented to have.

Paragraph (c) of section 505 of the act operates similarly to our laws on freight rates. If a rate is filed with the Interstate Commerce Commission and is not acted on in a certain time by the Commission the rate automatically be-

comes effective. Likewise under paragraph (c), a new drug application for approval becomes effective on the 60th day after its filing unless the Secretary by notice in writing postpones the effective date to enable him to make further study of the application. Subsection (9) of section 4 of the bill would defer the effectiveness of the application until the Secretary has determined the new drug is safe for use and efficacious in use and has so notified the applicant.

We are not dealing here with matters under ICC regulation which merely may result in higher costs to shippers; we are dealing with products which may mean quite literally the difference between life and death. A new drug which may be unsafe to health should not be permitted to be placed in interstate commerce by default of action. Positive action and specific approval or disapproval should be a necessity. If it is unworthy, it will not get on the market. If it is good but dangerous, it will enter the market with proper warnings which are not only approved by the Secretary but actually reach the physician.

Section 507 of the act requires certification by the Secretary of certain named antibiotic drugs such as penicillin and streptomycin. Since the enactment of this statute, a number of new antibiotic drugs have been discovered. It is only logical that this section be extended to apply to all antibiotic drugs. Subsection (12) of the bill adds after the drugs expressly named "or any other antibiotic drug."

LICENSING OF PRODUCERS OF PRESCRIPTION DRUGS

Section (13) of the bill adds an entirely new section, to become section 508 of the Food, Drug, and Cosmetic Act. This relates only to drugs which are required by law under section 503(b)(1) of the act to be dispensed on prescription of a qualified physician. Briefly stated, those are drugs which are habit forming, unsafe to take without supervision of a doctor, or a new drug limited by an effective application to use under supervision of a doctor.

The bill requires, in paragraph (a), that any person manufacturing, preparing, or propagating such a drug or drugs for distribution in interstate commerce or for importation into this country shall apply for a license and be licensed by the Secretary if the applicant has proper qualifications for the production of that drug or drugs. If the Secretary finds that such a licensee is no longer qualified to make such drugs or has adulterated or misbranded the drug or drugs he shall suspend or revoke the license. Paragraph (a) prohibits the production of such drugs unless the producer has an unsuspended and unrevoked license. This also applies to anyone importing such drugs from a foreign country.

Paragraph (b) provides that no license may be granted unless the applicant demonstrates that the establishment in which the drug is to be produced meets such standards as the Secretary shall determine necessary to insure the continued chemical structure, strength, quality, purity, safety, and efficacy of the drug. When the Secretary determines that the establishment no longer meets those standards, he shall revoke or suspend the license.

Paragraph (c) gives the representatives of the Department, as authorized by the Secretary, the right of inspection of any such establishment. The inspection may include, but is not limited to, commercial testing laboratories, plant sanitation, raw materials and analytical reports on such materials, formula cards, actual manufacturing working sheets, batch records, weighing and measuring controls, packaging techniques, sterility controls, potency controls, coding systems, facilities for maintaining separate identity for each drug, cleaning of equipment between batches, quarantine of drugs until after clearance with the control laboratory, qualifications of the technical staffs, and the complaint file of the licensee or applicant for license.

Paragraph (d) provides that no license may be granted when the drug is manufactured, prepared or propagated in a plant in a foreign country unless the Secretary has determined that adequate and effective means are available to determine from time to time that the plant continues to fulfill the requirements under paragraph (b) with respect to that drug. Whenever the Secretary finds that such means for that determination are no longer available he shall suspend or revoke the license. A license of a foreign plant shall include compliance with the provisions of the Food, Drug, and Cosmetic Act, as amended by this bill and any other conditions which the Secretary determines necessary for the protection of public health and safety. His license shall also be conditioned on the payment of such fees as are necessary to provide and maintain adequate inspection as prescribed in the bill.

Paragraph (e) provides for a public hearing upon objections by an applicant or licensee to a refusal to license or the suspension or revocation of a license within 30 days after notice by the Secretary of such action by him. Evidence must be received on issues raised by the objections. The Secretary then as soon as practicable shall enter his final order supported by his findings of fact and his conclusions. No final order suspending or revoking a license shall take effect until 90 days after its publication, unless the Secretary finds that emergency conditions exist which necessitate an earlier date. In that case such conditions shall be specified in his order. If the Secretary finds the requirements for a license are being violated he may immediately, on notice to the licensee, suspend the license. Procedure for reinstatement of a suspended license is set out in this paragraph of the bill.

Paragraph (f) provides for an appeal from a final order of the Secretary to the U.S. Court of Appeals for the circuit in which the appellant lives or has his principal place of business, or for the District of Columbia. Appropriate service is provided and a transcript of the proceedings before the Secretary and his findings shall be filed in the court. The court may affirm or set aside the order in whole or in part. The findings of the Secretary as to questions of fact shall be sustained if based upon a fair evaluation of the entire record at the Secretary's hearing. The court shall advance on the docket and expedite the disposition of all causes filed under this section.

The bill provides for the taking of further testimony in certain cases and further procedures in such instances. The judgment of the circuit court is final, subject to review by the Supreme Court.

Paragraph (g) makes any person who knowingly obstructs or interferes with, or conspires with any other person to do so, the performance by any officer or agent of the Department of any duty under this section subject to fine of $500 or imprisonment for not more than 1 year, or both.

One of the principal problems involved in encouraging lower costs of medicine for the consumer is the large expenditures by the drug companies for promotion of drugs by brand names. The 22 largest drug companies reported to the subcommittee a total promotion expenditure in 1958 of some $580 million.

In addition to $330 million spent on salesmen and detailmen's compensation and expenses and ancillary items, the 22 largest drug companies spent a quarter of a billion dollars on advertisements in medical journals, direct mail ads, samples, and miscellaneous items. The subcommittee staff estimates the current promotion expenses for the entire industry to be around $750 million per year, which is about four times the total funds available to all medical schools in the United States for their education programs.

These expenditures, which add significantly to the cost of drugs to consumers, do not serve the normal purpose of promotion of products in increasing the market demand. The consumer only buys prescription drugs when his doctor prescribes them, and the doctor prescribes when the patient is sick or ailing. Increasing the amount spent on drug advertising does not increase the underlying demand for drugs, which is the incidence of illness.

Not only does this large expenditure for promotion add to the cost to the patient without corresponding benefits but also it tends to freeze the small manufacturer out of the retail prescription business. A small manufacturer without great financial resources for promotion to doctors cannot secure access to this market regardless of the quality of his products. As I have said before, this is one of the principal sources of monopoly-control.

The large drug companies have been quite successful in their campaign for making well-advertised brand names synonymous with high quality. In consequence, doctors are reluctant to prescribe by generic names. Most of them prescribe heavily promoted trade names which come almost automatically to their minds.

This logjam must be broken. If the physicians are assured that a given drug made by one manufacturer is from a plant meeting proper standards and the chemical structure, strength, quality,

purity, safety, and efficacy of the drug are assured to be as good as that drug made by another, the need for prescribing by trade names is certainly lessened. Where drugs which are not subject to patent controls are prescribed on the basis of generic names, the small manufacturer can survive. Competition will flourish and consumers will benefit from lower prices.

REVIEW OF OFFICIAL NAMES OF DRUGS

The Food, Drug, and Cosmetics Act, section 201, defines "official compendium" as the U.S. Pharmacopoeia, Homoeopathic Pharmacopoeia, and the National Formulary or any supplement thereto. However, there is now no legal authority vested in the Secretary to determine official names of drugs. In most instances the manufacturers establish the common names as well as the brand names of drugs appearing in the official compendia.

First, I should explain that these publications are the officially recognized listing of drugs and their official names. In most instances they prescribe tests and methods of assay of the drugs. These publications are accepted in the medical and pharmaceutical professions. Nothing in this bill will, in any way, interfere with their present responsibilities or functions.

Section 509 would set up a system for the designation of official names for drugs. It, however, does not prohibit a manufacturer from also using brand or trade names. Paragraph (a) authorizes the Secretary to determine official names of drugs in the interest of usefulness and simplicity. Only those names approved by the Secretary are to be the official names used in the official compendia for promotion purposes and the like. This does not apply to combinations of drugs. Here the official names of the component ingredients must be indicated.

Section 509 of the act as amended by the bill requires in paragraph (b) the Secretary to cause a review to be made of official names or titles by which drugs are identified in the official compendia at least once in each period of —— years to determine whether revision of any of the names is necessary or desirable in the interest of usefulness and simplicity. The number of years is to be determined after hearings on the bill.

Paragraph (c) of the bill requires the Secretary to designate another official name which will be useful when he finds the official name in use is unduly complex or is not useful. When the Secretary determines that there are two or more official names for a single drug or there are two or more drugs which are identical in chemical structure and pharmacological action and substantially identical in strength, quality, and purity, he shall designate for such drug or drugs a single official name which is useful. He shall also designate an official name to any drug found not to have such a name.

Under paragraph (d) of the bill, after each review of the official compendia and at such other times as the Secretary determines to be desirable, he shall cause to be published a list of all revised official names and such other matters as he deems necessary for the effective use of those drug names.

Paragraph (e) requires the official name caused to be compiled and published by the Secretary shall be the exclusive official name of the drug.

The purpose of this section is to provide for each drug one official name which is useful. There are several weaknesses in our present system for providing official names of drugs. Too many of the official names are now too long and difficult to use whereas brand names are usually short and usable. The length and unpronounceable nature of current official or generic names has of course tended to induce physicians to write their prescriptions in terms of the simpler and shorter trade names.

Moreover, in some cases a single drug has more than one official name, while in others there is no official or generic name whatever. This is confusion compounded. If we are to place patients and doctors in position to obtain lower cost medicine, we must do a better job on official names.

MATERIAL FOR PHYSICIANS' INFORMATION

Our present drug laws are deficient in two respects relating to the providing of full information to doctors. A new section to the bill has therefore been added which would become section 510 of the Food, Drug, and Cosmetic Act.

Paragraph (a) of that section requires the Secretary to publish and distribute to physicians annually, and at such other times as he deems desirable, a list of drugs which have the potentiality of particularly serious, dangerous, or harmful effects as he may consider in the interest of public health.

Paragraph (b) requires the Secretary to publish in convenient and readable form and distribute to doctors, hospitals, medical and nurses' training schools, and Federal, State, and local government offices concerned with handling and the utilization of drugs, copies of all printed matter which the Secretary has required to be included in any package in which a drug is sold.

In conclusion, the bill is reasonable and fair. It does not seek to establish price control of drugs. Rather, it seeks the objective of lower prices by making more effective the operation in this industry of our traditional free enterprise system. That system can never operate successfully when it is impeded by the restrictions of monopoly. The bill seeks only to replace the restrictions of monopoly with the dynamics of competition.

Madam President, in the press release issued by Representative CELLER and myself it is pointed out that in general the proposed legislation, which is limited only to prescription or ethical drugs, is designed to promote competition and protect the public interest in these principal ways:

First. By making it unlawful under the antitrust laws for large drug companies to agree upon which company will obtain a patent, to agree which companies shall be awarded licenses in the event that a patent is issued, and to make similar restrictive agreements.

Second. By requiring compulsory licensing of qualified applicants—after 3 years—under product patents for prescription drugs.

Third. By providing that the Food and Drug Administration shall pass on the efficacy as well as the safety of drugs.

Fourth. By seeing to it that physicians are provided with clearer, better and additional information on the bad as well as the good features of drugs.

Fifth. By requiring fuller and more comprehensive inspection of drug manufacturing plants, thereby giving to physicians greater confidence in prescribing on the basis of generic rather than trade names.

Sixth. By providing for the licensing of drug manufacturing companies which should also give physicians greater confidence in prescribing by generic names since a company could lose its license to do business if it did not meet the requirements of the Food and Drug Administration.

Seventh. By giving to the Food and Drug Administration authority to establish the official or generic names for drugs, thereby providing a means of simplifying generic names which, in contrast to the short and simple tradenames, are often so long, complex and unpronounceable that they cannot possibly be remembered or used by physicians.

The PRESIDING OFFICER (Mr. METCALF in the chair). The bill will be received and appropriately referred.

The bill (S. 1552) to amend and supplement the antitrust laws with respect to the manufacture and distribution of drugs, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JUVENILE DELINQUENCY ACT OF 1961

The Senate resumed the consideration of the bill (S. 279) to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems.

Mr. CLARK. Mr. President, it is my understanding that the pending business is S. 279.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. Mr. President, the bill before us today is a nationally conceived

program for mobilizing every community resource to combat juvenile delinquency. It would not only help to prevent and to reduce delinquency, but also it would give us a specific means of developing the kind of internal strength and resiliency we need in playing our role of first-class nationhood.

Obviously, juvenile delinquency is a profoundly serious condition which is sapping the Nation's moral strength to a degree at which statistics can only hint. In 1958, there were 700,000 appearances in our juvenile courts by children and youths in the age group of 10 through 17. A million eight hundred thousand youths were apprehended by the police for delinquent acts. Two million children in our country have been before juvenile courts one or more times; one in five of our adolescent male population has appeared before a juvenile court.

These figures indicate a malaise so pervasive and critical that one would have expected us to have mobilized a vast machinery to combat it. But have we? No.

Consider how poorly we have equipped ourselves to deal with delinquency: One out of every two cities of over 10,000 population has no special police officers assigned to working with juveniles. One hundred thousand children are held in jail each year when they should be in specialized institutions—frequently because the other institutions do not exist or are overburdened. Five out of ten counties in the Nation have no juvenile probation service. Six out of 10 juvenile probation officers have no social work training. Three out of ten State training schools have no staff social workers. Four out of ten State training schools have no staff psychologists.

This is a desperately melancholy story. But though the baleful facts have been announced again and again, by one expert after another, by one official body after another, we are still not tackling the problem.

The bill, sponsored by the chairman of the Committee on Labor and Public Welfare, the Senator from Alabama [Mr. HILL], and cosponsored by me would provide the nucleus for attacking juvenile delinquency on a nationwide scale.

Why nationwide? Because the mobility, the rapid transitions, the changing ways of life of our population have made delinquency a problem which does not respect State and local boundaries.

Thousands of organizations are doing bits and pieces of excellent work in combating delinquency, but they lack a focus and a means of coordination. There is no mechanism by which they may exchange and make use of each other's ideas and experiences.

The Hill-Clark bill would provide that mechanism and that focus. It would also give assistance to pilot demonstration and study projects which give promise of producing results and new knowledge that will help communities throughout the Nation. And it would provide communities with technical assistance in meeting delinquency problems, just as our Government provides technical assistance to other nations to meet their problems in education, sanitation, and other public services.

Finally, the bill would provide for the development of training programs which are desperately needed by our communities. Some of the figures cited earlier show how enormous is the need for trained personnel in this field—police, probation officers, juvenile court judges, employees of detention and correctional institutions, settlement-house personnel who work with juvenile gangs—all of these need to know much more about the seeds of delinquency and what can be done to prevent those seeds from germinating into violence.

Properly and imaginatively administered, the Hill-Clark program would provide the initiative for developing a core philosophy in the field of juvenile delinquency as broadly acceptable as the philosophy of the children's bureau. It would stimulate communication and coordination among the innumerable agencies and private groups working in the field, and make possible a public climate in which the attack on delinquency would not be a spotty, moment-to-moment offensive, but a continuing, enlightened effort.

The bill which we have before us now is identical with the bill which passed the Senate last year without significant opposition, except that it calls for a 4-year program instead of a 5-year program. It would authorize appropriations of $2,500,000, to aid in the pilot demonstration projects of which I speak, and another $2,500,000 for the purpose of training skilled workers in the field of juvenile delinquency. Provision is made for such appropriations as may be required for the administration of the act.

The purpose in bringing the bill to the floor now is in order that we might take the same action this year that we took last year. We should like to have the bill passed by the Senate and sent to the House, where it is anticipated that the administration representatives will testify at some length with respect to their own ideas. They may perhaps wish to deal a little more concretely with the various problems. But the hearings which were held last year before the subcommittee of the Committee on Labor and Public Welfare, of which I had the honor to be chairman, have established beyond peradventure the need for the proposed legislation.

I close by paying my deep tribute to the chairman of our committee, the gentleman from Alabama [Mr. HILL], who was dealing with the problem of juvenile delinquency long before I came to the Senate. He was gracious enough to permit me to become chairman of the subcommittee dealing with this subject, and today he gave me the honor of presenting the bill and to be manager of the bill on the floor.

I also wish to say a word of praise for the senior Senator from Tennessee [Mr. KEFAUVER], who for many years, as chairman of the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary, has been dealing with the same problem. The evidence which he has taken has been of great assistance to our committee.

Recently, the Senator from Connecticut [Mr. DODD] has been holding hearings as the new chairman of the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary, and the evidence which has been brought before his subcommittee has confirmed the opinion which we in the Labor Committee have that the bill should be promptly passed and sent to the House of Representatives for action.

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

Mr. CLARK. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. First, I thank the Senator for his kind and generous words about the Senator from Alabama. Before the Senator spoke his kind words, it was my definite intention to say some words about the Senator from Pennsylvania. He did a very conscientious, thorough, and most intelligent job as the chairman of the subcommittee which held hearings on the bill, and then brought the bill to the Committee on Labor and Public Welfare, and finally to the floor of the Senate.

As the Senator has said, the bill is identical with the bill which the Senate passed at the previous session of Congress. Basically, the purpose of the bill is to prevent or control juvenile delinquency, and to provide for the treatment of juvenile delinquents. In other words, it is a step forward to try to meet the juvenile delinquency problem that confronts the whole Nation, and it would fill a gap in the Department's present statutory authority. Is that not true?

Mr. CLARK. The Senator is correct.

Mr. HILL. The bill is needed to fill the gap. We may go forward with demonstration projects, which will be accomplished through grants made to States, municipalities, and other public or private nonprofit agencies for carrying out such projects.

Incidentally, it is true, is it not, that the bill provides that the Secretary of Health, Education, and Welfare shall require each recipient of a project grant to contribute money, facilities, or services to the project to the extent that the Secretary deems appropriate?

Mr. CLARK. The Senator is correct. Not only is that so, but the bill calls for the establishment of an advisory committee of well-qualified individuals in the field of juvenile delinquency, to which committee all projects which the Secretary intends to offer for approval will be submitted in order that the benefit of the thinking of that well-qualified advisory committee may be obtained.

Mr. HILL. Under the provisions of the bill the Secretary would have the benefit of the advice and judgment of the advisory committee on the projects that might be submitted, and then, of course, the Commission itself would have authority under the act to suggest or

recommend any projects to the Secretary that the Commission might think were wise and advisable. Is that not true?

Mr. CLARK. The Senator is correct.

Mr. HILL. While we speak of projects, I think we must not overlook the importance of what we might call the second major division of the bill, which provides for the training of personnel in various fields of activity dealing with juvenile delinquency. The Senator is a member of the Senate Committee on Labor and Education, which committee is charged with the jurisdiction of all education bills. He knows of the dearth of trained personnel in the field of juvenile delinquency, as well as in many other fields.

Again I thank the Senator, and I strongly commend him for the fine work he has done in behalf of the bill and the cause of the prevention, control and surely, wherever possible, the elimination of juvenile delinquency.

Mr. CLARK. I thank my friend for his kind words. There is no Member of this body whose approbation I would rather have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I am a supporter of the bill. However, I consider the bill to be inadequate. I would be less than true to my responsibility if I did not make the points which need to be made with respect to this subject at this time. What I say should in no way derogate the pleasure I feel in finding this bill before the Senate today. I am a member of the committee and of the subcommittee which reported the bill, and I wish to pay my tribute to each one of the Senators on the committee, particularly the Senator from Pennsylvania [Mr. CLARK], and the chairman of the committee, the Senator from Alabama [Mr. HILL], as well as to the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Connecticut [Mr. DODD], for the extraordinarily fine work which they have rendered in the consideration of this subject.

I hope that will be understood as I speak in this vein, which I take to be the function more of the minority than of the majority.

I consider the bill to be inadequate because the people of the country are faced with an extreme emergency, and the report prepared by the Children's Bureau and the National Institute of Mental Health of the Department of Health, Education, and Welfare indicates clearly the amount and seriousness of the problem today, and its dangers.

The committee bill represents a major forward step in establishing a national program to cope with the increasingly serious problem of juvenile delinquency, and to prevent the increasingly rapid spread of this critical national social problem.

The Health, Education, and Welfare report indicated that in 47 States, Departments of Public Welfare and, among them, 33 other State public agencies have legal authority for services to children referred by courts in delinquency cases, and 40 State agencies undertake programs of various types for the prevention, control, and treatment of juvenile delinquency. Yet the report also indicated that the responsible agencies are understaffed.

Citing only a few facts from the report will indicate the need for action beyond study projects, technical assistance, and personnel training, necessary as these are. It indicates that the national rate of reported juvenile court delinquency has doubled in the decade from 1948 to 1958. In 1958, between 1½ million and 2 million youngsters under 18 were dealt with by the police for misbehavior, and over 600,000 different children came before the juvenile courts.

At the White House Conference on Children and Youth, of 51 reports of State committees on children and youth, 42 cited needs in relation to juvenile delinquency in sufficient detail to permit broad classification.

The uniform theme running through these reports is the widespread lack of facilities and services, the urgency of the need for development of services not in existence, or expansion and improvement of existing services. They emphasized the companion need for more and better coordination of services on both the State and local level.

Although the bill does something—and this is deeply felt in New York City—in terms of training personnel, the bill does not go far enough in this respect. I believe that there is a deep-felt need for the establishment of a program of action to deal with juvenile delinquency problems directly, through the promotion not only of those activities now included in the bill, but of assistance to State and local government programs for the control of juvenile delinquency. It calls for the establishment of a program of grants to the States to assist them in strengthening and improving programs under approved State plans for the control of juvenile delinquency.

The causes of juvenile delinquency are deeply rooted in the uncertainties, injustices, and even in the range of opportunities afforded by the wealth and technology of our modern time.

The bill needs to be buttressed by substantive means to control juvenile delinquency on the working level at its source.

Mr. President, the amendment which I have prepared would have for its purpose assisting States to strengthen and improve State and local programs for the control of juvenile delinquency, and would authorize the appropriation for the fiscal year ending June 30, 1962, the sum of $2 million, and for each of the following fiscal years such sums, not to exceed $5 million annually, as Congress may determine.

I wish to emphasize a point on the part of all of us who live in big cities, and this is true of my colleague from Pennsylvania, and I hope that he will not misunderstand what I say, because he has done so much in this field, and I am not trying in any way to derogate that accomplishment. I point out that all of us who live in big cities are just not doing enough, when we consider our parks, whether it be a big park in Chicago or Philadelphia or our Central Park in New York, when people do not dare go into a park at night, or are afraid to go down a dark street at night because of the danger of being assaulted by young hoodlums.

It is a fact that when I was attorney general of the State of New York our State commission on juvenile delinquency issued a very fine report on the subject. It is a fairly long report, and I ask unanimous consent that it may be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, we found that the great cause of juvenile delinquency and youth crime, in a sociological sense, differing from what had been known before, was the broken family—the broken family being far more responsible today for such conditions than slum living. The sociologists who worked for us found that juvenile delinquency occurs on the fanciest streets in town; that something new had come into the picture. That accounts for the broken homes picture. We cannot develop legislation to rectify that condition. However, we can subsidize some of the organizations whose purpose is to assist those who come from broken homes. That is what I am talking about in terms of State and municipal projects. That is the proposal I made before our subcommittee and the full committee. That is the fundamental problem which we face. The States are now dealing with their problem in a practical way. The responsibility in this area, because it constitutes a national emergency, and a very serious one, is one which belongs to the Federal Government, and we are not, in this bill, meeting it. Certainly we are not meeting it adequately. The missing link is the failure to aid the municipal programs, which is the traditional way in which the Federal Government has stimulated action of this nature.

Why are we reduced to this pass? It is not the fault of the Senator from Pennsylvania [Mr. CLARK] any more than it is the fault of the chairman or any other member of the committee. The fact is that the Senate last year passed a bill almost exactly the same as the pending bill. It went to the House, and there it got absolutely nowhere. The desire, therefore, is to send a measure to the House again, as expeditiously as possible, with the least problem in the Senate. I have little doubt that if I should offer my amendment, the Senate would debate it, and the whole subject would be opened up de novo. I shall not offer my

amendment, then, in the hope that by subordinating the views each of us so strongly holds, we might, in the hope of passing the bill, succeed in having the House also pass the bill and at least make a start in this field.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. I should like to buttress what the Senator from New York says so logically on every ground. I am in accord with what he says. Nevertheless, I think we must remember that we are legislating within the sphere of the art of the possible. I hope that when the bill gets to the House, it will be possible to have the administration persuade the House that a larger program is necessary, and that the House will agree to such a proposal. However, I want to get something done, and get it done as quickly as possible. I want to get it done before this body gets bogged down with other items of legislation involving far more money than does the pending bill.

I think it would be much wiser to send this bill to the House and then to urge that a bill providing for a larger program be passed there.

I hope the Senator from New York, even if he does not agree with my judgment, will agree with my logic.

Mr. HILL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HILL. I commend the Senator from New York upon his address to the Senate. He has certainly been most thoughtful, most able, and most informative.

One advantage which might well result from the passage of the bill by the Senate at this time is that after it has passed the Senate, it would be in order, under the rules of the Senate, when the appropriation bill for the Department of Health, Education, and Welfare comes before the Senate, to attach an amendment to that bill providing $5 million so as to insure the passage of the pending bill by the House of Representatives.

If we do not take such action before an appropriation bill comes before the Senate, then we shall most likely have to wait a whole year, until the Department of Health, Education, and Welfare appropriation bill comes before the Senate next year. If we can pass this bill today, then when the appropriation bill comes before us—and the Senator from Alabama is the chairman of the subcommittee which handles that particular part of the Department of Health, Education, and Welfare appropriation bill—it is my hope that we will include $5 million in the bill. By that time, if action has been taken by the House, and the House finally passes the bill, $5 million will be available for the next fiscal year, instead of making it necessary to wait until after July 1, 1962, to start a program of this nature.

Mr. JAVITS. I thank the Senator from Alabama. I am delighted that we have so fine a spokesman and so good an influence in such a key spot on the Subcommittee on Department of Health, Education, and Welfare appropriations.

It is no secret that the reason why we are acting today, instead of laying the bill over to some other day, perhaps much later in the session, is that implicit in the presentation is the fact that I shall not press my amendment, for I am really in accord with the eloquent words of the Senator from Pennsylvania [Mr. CLARK] in trying to have the bill passed by the Senate.

However, the purpose of my statement today is to have the public understand why we are taking this action. When the bill gets to the House we do not want the House to say, "Oh, well, this is another one of those spendthrift programs which the Senate liberals are sending to us." The House will realize that we have exercised a great sense of restraint and a great sense of discipline in a common effort to get something done; and that Senators, like myself—I am not at all alone in this view—have restrained themselves because they feel it is much wiser to yield on this point than to tie up the proposed legislation. In that way, I think we shall have the respect of the House of Representatives.

In order to accomplish that purpose, and so that our views on the subject may be clear, I ask unanimous consent to have printed at the end of my remarks the proposed amendment to the bill, which I shall not offer for the reasons which I have just stated.

There being no objection, the amendment was ordered to be printed in the RECORD.

(See exhibit 2.)

Mr. JAVITS. Mr. President, in order to get the sentiment of officials in the States, I sent telegrams to the Governors of the 50 States. Unfortunately, or fortunately, depending on one's viewpoint of the consideration of the bill, I have not received many replies because of the short time which has elapsed, but I have received replies from the Governors of two States. I shall read them into the RECORD. The first is a telegram from the Honorable Matthew E. Welsh, Governor of Indiana, who states:

> Replying to your telegram of March 30, we would be glad to participate in any move which would permit an enlargement of the program fighting juvenile delinquency. We have been able to staff our program with people from our own department of correction, but a shortage of personnel in this area is foreseeable unless a training program is provided. We will appreciate your keeping us advised of any developments in your program.

The other reply is a letter from our mutual friend, the Governor of Ohio, Mike DiSalle, who wrote as follows:

> THE STATE OF OHIO,
> OFFICE OF THE GOVERNOR,
> *Columbus, March 31, 1961.*
>
> Hon. JACOB K. JAVITS,
> *U.S. Senator,*
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR: This is in response to your wire of March 30 with reference to the proposed Federal assistance in the fight against juvenile delinquency.
>
> The States have been limited in this program. There is a great need for basic research, as well as a shortage in trained personnel and technically qualified individuals. One area in which there exists a real need is for regional institutions in order to prevent the concentration of offenders of all types in one institution.
>
> There are a number of private schools, but they are expensive and do not have the capacity to handle the great need that now exists. An arrangement worked out between the Federal and State Governments which would make it possible to cooperate in the establishment of well-staffed schools that provide the necessary training, would go a long way toward successfully combating the juvenile delinquency problem that exists today.
>
> I hope that this statement has been helpful. I am rushing it off in an effort to get it to you immediately. There is much more information available.
>
> Sincerely,
>
> MICHAEL V. DISALLE,
> *Governor.*

Mr. President, I join with other Senators in addressing an urgent plea to our colleagues at the other end of the Capitol. This bill deals with one of the most serious domestic problems which we face. Crime is serious enough. Youth crime fouls up the very essence of the most material resource which we have in the struggle for freedom and in the development of our own country—our youth.

It has been said many times, and it is worth repeating, that juvenile delinquency and youth crime are our greatest enemies, notwithstanding the fact that only a very minor percentage of our youth—under 5 percent—is ever involved in delinquency. It is a stigma which attaches most unfairly, to all American youth. We shall probably not prevail on juvenile delinquents to improve their morale in terms of removing the stigma from other American youths, but we ought to be prepared to prevail upon the adult and responsible persons who represent the congressional districts of the United States in the other body. Really, if we read between the lines of the statements by the Senator from Pennsylvania [Mr. CLARK] and the Senator from Alabama [Mr. HILL], and my own statement, it will be seen that we are talking to the Members of the House today.

There is no problem about having the bill passed by the Senate. Certainly if it is left as it is—and I propose to leave it that way, and I hope other Senators will do so for the reason I have stated—there should not be a great problem in having it passed by the other body. I respectfully submit, with all dignity and respect to other Senators, that this is a critical problem for our country. We are making a very small start, but a most provident start. Perhaps we are overcautious. Many of us have restrained our own feelings, strong as they may be upon this subject, in order to send a bill to the House so that a start may be made. I hope very much that the needs of our country will not be dashed, as they were last year, by the failure of the House to take action, but that the House, too, will see the need, and

that they may take action very promptly in the same spirit in which it is going to be taken in the Senate this afternoon upon the measure before the Senate.

EXHIBIT 1

RECOMMENDATIONS OF THE NEW YORK STATE TEMPORARY COMMISSION ON YOUTH AND DELINQUENCY

GENERAL STATEMENT

The broad nature of youthful delinquency as a moral and social problem and the commission's own belief that government action must support and supplement the primary efforts of home, church, synagogue, and voluntary programs in finding its remedy have both served to place limits upon the commission's recommendations. There is no miracle in government action that can produce good citizens; there is no legislative blueprint that can prescribe for people how to raise their children or organize their society to meet all the spiritual and material needs of those children. It is only possible to point out some of the ways in which the present programs and legal machinery of our State and its communities, both urban and rural, might be better adapted to meet the needs reflected in the problem of youthful delinquency.

The commission has, however, through the extended series of hearings and the statewide conference described earlier in this report, endeavored to see the problem in its broadest terms and to review all the proposals which have been presented to it for measures to deal with this problem. Literally hundreds of such proposals were placed before the commission, thus supporting our belief that youthful delinquency is a problem that cuts across the total fabric of social organization and requires for its solution the cooperation of every home, every organized group, every profession, every function of society, and every governmental agency. The commission has, in turn, undertaken to review, sift, and organize these hundreds of recommendations in terms of what appear to be the primary areas of governmental responsibility and hence the first concern of this commission in developing a program for the State.

In reviewing the testimony of the 11 regional hearings and the reports of the 13 special work groups at the statewide conference, the commission has been impressed by the fact that these processes of citizenship produced an encyclopedic and invaluable source of inspiration, information, guidance, and stimulation on the total youthful delinquency problem. The commission feels that this material should be available to the people of the State and should serve all groups for years to come in furthering the total community effort to eradicate this social evil. The commission is, therefore, proposing a follow-up document, which will constitute a source book and will contain extensive excerpts from the hearings, the full text of the 13 work group reports from the statewide conference, and other pertinent material concerning the work of the commission. This source book is intended to reflect the commission's gratitude and indebtedness to the many hundreds of people who gave so generously of their time and ideas in this common searching for solutions to our common problem of delinquency. The fact that the commission has of necessity selected for its own official report only those recommendations that seemed to bear directly on the problem of the public leadership and responsibility in no way reflects a lack of enthusiasm for the many inspiring and inspired recommendations from which these few have been selected.

The commission has grouped its recommendations under four headings that cover the four major areas of governmental responsibility in dealing with this problem: "A. Strengthened State Leadership"; "B. Preventive Community Services for Children and Youth"; "C. Safeguarding the Child and Society"; and "D. Improved Measures to Deal with Delinquency Among Youth." The commission's objectives and each of its recommendations within these four areas of responsibility are discussed in the sections that follow. Those recommendations that involve changes in the State statute are also discussed in terms of their legal implications in V. Legislative revision section of this report. Suggested draft legislation will be found in appendixes A, B, C, D, and E, therein.

A. Strengthened State leadership

The commission recognizes that State government, while it cannot alone solve a social problem of such broad dimensions and deeply rooted causes, nevertheless has a positive moral and social obligation to (a) mobilize the full resources of its own instrumentalities; (b) give stimulation and aid to its own political subdivisions; and (c) extend leadership to all its citizens in seeking solutions to a problem that at once threatens the welfare of its young people and undermines the law and order on which other social values depend. The work of this temporary commission, useful as we hope it has been in focusing attention on the problem and in serving as a sounding board for a broad cross section of the citizens of the State, cannot in any way replace this continuing public responsibility. The commission submits the following recommendations to assure continuing State leadership with respect to these problems, properly implemented to aid in their solution. A proposed statute and more extended comment embodying these recommendations appear in the "Legislative revision" section, appendix A, post. Allocation of funds to localities, as well as manner of appointment and compensation of members of the new youth commission have been left to appropriate legislation.

1. The commission recommends making permanent the present temporary State Youth Commission on a completely reconstituted basis.

A temporary youth commission has been in existence in this State for a decade. It consists of a chairman appointed by the Governor and seven State department heads or officers. The commission recommends a permanent State Youth Commission consisting of a chairman and four other members, none of whom shall be holders of other public office in the State. Executive and administrative functions are to be vested in a chairman. The members are to be designated initially for staggered terms and all vacancies are to be filled by appointments for 5 years.

2. The commission recommends expanded powers, duties and areas of operation for the new youth commission.

The commission proposes integration of existing functions under the major groupings of (a) powers and duties including cooperation with other agencies; (b) research, analyses and studies; (c) recommendation of legislative and administrative changes; (d) management of State aid, youth bureaus, recreation and youth-serving projects, and other youth programs.

Additional powers and duties would include statistical coordination, a research unit on methods of rehabilitation and prevention, setting up programs of personnel training and public education, and establishing demonstration projects for operation at the neighborhood level.

These powers should also include advisory policy guidance and recommendations by the commission in the fields of correction, probation and parole.

The area of operation of the new commission would be broadened from the present limited requirement for participation of defined "municipality" to that of the more expansive "locality," which would include, in addition, a school district and, under prescribed conditions, a district corporation such as a park district or other tax levying public corporation or civil division of the State.

3. The commission recommends creation of an interdepartmental advisory body for coordination of State governmental programs.

At present, the youth commission includes heads or representatives of seven State agencies. It is proposed that these be retained and supplemented by the heads of two additional departments—law and police—in a separate advisory body. This body would comprise the attorney general, commissioners of correction, education, health, mental hygiene, social welfare, the industrial commissioner and the superintendent of State police. The chairman of the new youth commission would be ex officio a member and chairman of this body. The primary functions of this group would be to consider and recommend to the youth commission worthwhile proposals and to coordinate and execute programs involving governmental action on an interdepartmental statewide basis.

4. The commission recommends creation of a lay advisory board comprising cross-section representation of the community.

An advisory board to the new youth commission consisting of from 12 to 24 members is recommended by the commission. Such a body would be sufficiently large to provide representation of diverse religious, ethnic, geographic, political and social viewpoints. Its membership would be drawn from outstanding persons in the fields of religion, social welfare, prevention of delinquency, health, mental hygiene, education and rehabilitation. To assure continuity, initial appointments would be on a staggered basis. Such group would consider and recommend programs of action to the new youth commission.

B. Preventive community services for children and youth

The commission recognizes that the best prevention for delinquency among youth is a society in which home, church or synagogue, school, and community agencies—both public and voluntary—combine to provide an environment that assures to all children and young people the means of meeting the needs, both spiritual and material, that are basic to their healthy growth toward responsible maturity. It, therefore, recommends that the programs of the State and its political subdivisions be strengthened in the directions outlined below.

5. The programs of the schools should be strengthened to assure adequate educational and auxiliary services to all children, especially those with special needs.

In our society the school is the social institution that reaches virtually all children. It is, therefore, a major factor not only in the child's development but in the prevention of delinquent behavior. The educational function of the school needs to be strengthened in all possible ways: through more and better qualified teachers, smaller classes, more adequate physical plant and recreational facilities, and a wide variety of auxiliary services. The school should be equipped not only to meet all practical types of educational need but to identify and seek help for other unmet needs that may prevent or distort the growth toward maturity of individual students. The child who is beginning to show serious personality problems can often be spotted first in the schools and referred to child guidance or mental hygiene services. The child who is mentally retarded needs special training if he is not to become discouraged, confused,

and rebellious. The child who shows evidences in school of parental neglect or economic deprivation can be referred to appropriate welfare agencies. The school health program can help to identify handicapping physical defects or other health problems with a view to their remedy by community health agencies. The shy or isolated child can be encouraged at school to join in community youth programs. Truancy itself is often an important early symptom of personal and social maladjustments that may lead to more serious antisocial behavior. It is important that all schools, including those in rural areas, have available to them the services of personnel such as attendance officers, school social workers, school nurses, psychologists, and others skilled in the identification and handling of these special problems so that the full resources of the community may be brought to bear on their solution. The commission further recognizes that the schools, if they are to fulfill their obligation to young people, must give support to the moral element in character development. It endorses the present released time program of the State in order to assure to each pupil religious instruction in his own faith.

6. The schools should assume a more active role in parent education, both in their adult education programs and with respect to the parents of their young pupils and should increasingly serve as centers for community programs.

Wise and understanding parental guidance for all children is the starting point of virtually any program for good character development and the prevention of delinquency. The schools and other community agencies can support and supplement the home in meeting the growth needs of young people but they can never take its place. We, therefore, feel it is a prime obligation of our educational system to extend to parents the benefits of all modern knowledge concerning the developmental needs of children and opportunities for group discussion concerning their problems and the best ways of meeting them. The school can and should serve as a center of activities for families and individuals at all age levels in order to strengthen the atmosphere of cultural and community solidarity which children need for their growth.

7. The training of teachers in the State should include more emphasis on mental hygiene.

If the schols are to make their fullest contribution to the prevention of delinquency among youth and the early detection of those special problems of individual children that might lead to delinquency, it is important that teachers understand the basic principles of mental hygiene. The commission urges that the State teachers colleges stress such courses in their curriculums, that the present cooperative arrangement between the department of education and the mental health commission providing an in-service training program in this field for present teachers be emphasized and expanded, and that the department of mental hygiene also give attention to this problem.

8. The public and voluntary child welfare programs of the State should be improved and extended in order to (1) strengthen the home, (2) protect children against parental or other neglect or abuse, (3) assure to them social services and other services, such as homemaker services, needed to keep the family together, and (4) provide for those children who require it suitable foster home or adoptive placement. The procedures and requirements for foster home placement and adoption should be simplified to the extent that the spiritual and material interests of the child permit.

Most potential situations of delinquency begin in the home. Child welfare services constitute a major method of strengthening the home environment of the child in times or situations of crisis or weakness and of providing a substitute home environment when that becomes necessary. Frequently child welfare services can support a shaky home situation and thus prevent the breakup of the family, generally recognized as a major factor in delinquency. In times of temporary family crisis, such as the illness of the mother, child welfare workers can make arrangements for the children either through relatives, visiting homemaker service, or temporary placement. In situations where it is either impossible or undesirable for the child to remain in his own home, foster care with another family becames a major factor in safeguarding the child's welfare. There is special need at the present time to broaden the availability of foster homes—possibly through the payment of higher board rates—for children with special physical or emotional needs and for children of minority groups. With respect to adoption and foster care, the commission urges that the department of social welfare study the problems of adoption and foster care and make recommendations to the legislature so that procedures and requirements can be simplified insofar as the interests of the child and its natural, adoptive, or foster parents permit.

9. The provision of day-care programs for children who lack home care during the day because their mothers are working or absent from the home for other reasons, such as illness, is recognized as a factor in the prevention of delinquency and hence a responsibility of society.

The commission feels that every opportunity, encouragement and, where needed, financial aid should be given to the mothers of young children in order that they may remain at home and provide the care that such children require. In those cases, however, where children in actual fact lack such home care because the mother is employed, ill, or absent from the home, it is to the total interest of society and essential to the welfare of the child that some suitable substitute provision be available, both on a full-day basis for preschool children and after-school basis for those attending school. Such provisions often combine the use of governmental and voluntary community resources with the family of the child making financial contribution in accordance with its means.

10. The commission urges special attention to the vocational training and guidance needs of young people and urges the labor unions to work cooperatively with the schools, employment service, and employers in facilitating the entrance of young people into the labor market.

For many young people the transition from school to job is a crucial period in adjusting to the adult world. The young person who is helped first in school to discover and develop his vocational interests and aptitudes and then to find a job along the lines of these interests is not so likely to become restless and dissatisfied upon leaving school. There is need for diversification of vocational training in rural as well as urban areas and for a broadened base of job referral. The commission believes that the labor unions have an obligation to adopt policies and practices that will facilitate the necessary training and experience for young people wishing to enter their fields and wishes to commend those unions that have worked cooperatively with the schools to that end.

11. Measures should be adopted to extend the availability of cooperative work-school programs to youths below 16 years of age.

A galaxy of protections, some of them described in the "legislative revision" section post, surround the employment of children in this State. The education law requires compulsory attendance at school under varying conditions and exceptions until the age of 16 and in certain instances until 18.

For youths 16 years and over, the education and labor laws permit the extension of this cooperative program to cover actual part-time employment. This not only provides a more flexible concept of education for those youths who do not adjust to exclusively formal education, but it also eases the transition from school to work for those youths who do not intend to pursue higher formal education.

The commission recommends that the legislature consider appropriate amendments to the education and labor laws to permit the extension of this cooperative work and school program to youths between 15 and 16.

12. The commission proposes legislation to make required continuation school courses available in the evening as well as in the day to employed minors.

Minors, 7 to 16, who have not completed a 4-year high school course, must receive full-time day instruction. Minors, 16 and 17, who have not completed such instruction and for whom application for a standard employment certificate has been made, may be permitted to attend a part-time school not less than 20 hours a week. In large cities, such attendance is compulsory; in smaller communities, it is optional with the local board of education.

By statute, such instruction may presently be given only between 8 a.m. and 5 p.m. on weekdays, and between 8 a.m. and 12 noon on Saturdays. To make more flexible a work-school program for such minors, the commission recommends eliminating the limitation of such instruction to daytime hours, leaving the matter of scheduling time, day and evening, to local administrative arrangement. A fuller discussion and proposed statute accomplishing this objective appears in the "legislative revision" section and appendix D, post.

13. The schools, employment service, employers and community agencies should work together cooperatively to facilitate the employment of young men awaiting call to military service and otherwise to facilitate a smooth transition from civilian to military life.

Military service, as a practical citizen-obligation requiring a minimum of 2 years' active duty of most young men today, presents a special and unprecedented peacetime problem of adjustment for this generation of young people. State and community agencies should help facilitate this adjustment so that military service will become an acceptable obligation and one of positive values to the individual. Vocational guidance can often prepare and direct young men toward the military service and assignment most directly in line with their vocational interests and aptitudes. Placement agencies and employers should give special attention to the interim placement of young men awaiting call to active duty. Schools and other community agencies should inform young men finishing high school of the possibilities for enlistment under the provisions of the new Reserve Act.

14. Children with serious personality disturbances that create or point toward delinquent or antisocial behavior should have available to them suitable psychiatric diagnostic and treatment facilities, either through outpatient clinics, institutional care, or other provisions.

Since many forms of delinquency derive primarily from a seriously warped personality, the field of mental hygiene presents a great hope for the future. In some of the most brutal cases of criminal actions by young people the underlying mental disturbance is only fully revealed in the crime itself. In most instances, however, there are early signs that something is going awry

in the character development of the chronically rebellious and antisocial child. Early diagonsis and treatment, especially when the child's personality is still in its formative stage, is the best way to prevent the development of a confirmed adult criminal. Child guidance clinics designed to help children and parents alike, in cases where personality problems are beyond their capacity to solve, are increasingly available in urban areas and are beginning to extend into the rural areas. The Community Mental Health Services Act, enacted in 1954, provides financial aid for the development of community mental health programs, including clinics and consultant services, to schools and other agencies. The commission believes that the fullest implementation of this act offers a major preventive measure. The commission also recognizes that despite the progress that has been made there is still need for expanded special treatment facilities for those children who are psychotic or so emotionally disturbed that they require institutional treatment.

15. Communities are urged to adopt measures that will assure to children and young people the fullest use of all available recreational facilities, including those of schools, parks, playgrounds, churches, and synagogues, social agencies, and other community organizations.

Community programs for recreation, group activity, and character guidance are important in developing a sense of participation and harmonious relationship to society. The commission urges all communities to survey their total range of programs in this area and to adopt measures that will assure both the fullest use of all available facilities, public, and nongovernmental, and the development of new facilities where needed. It urges the proposed State youth commission to assist communities in such undertakings through stimulative guidance and, where appropriate within the law, financial aid.

16. Local communities, with possible aid from the proposed State youth commission, should explore ways to provide a neighborhood youth service with emphasis on the prevention of delinquency.

The commission recommends the establishment, on an experimental basis, of youth service centers in a few selected, congested areas of our large cities. They could be located in a school, church basement, community house, or in any other available and suitable place. Each center would serve a small district, possibly one city block. It would have a supervising director with adequate staff. The supervisor should be specially trained in dealing with young people. It is most desirable and necessary that a cooperative relationship exist between such centers and the police department.

The main effort would be directed toward prevention of juvenile delinquency, rather than cure and rehabilitation after the youngster got into trouble with the law. Prevention seems to offer the best hope of success in dealing with our youth.

We conceive it would be the first duty of the block supervisor and staff to ascertain as speedily as possible and by reasonable methods who the potential delinquents in their district were. Community welfare agencies might provide a starting point in this quest and there are doubtless many other sources of such information.

The duties of those operating such centers would include the providing of guidance, help and encouragement to youngsters who need it and to their families also. Where necessary, arrangements would be made for medical or psychiatric treatment, church affiliation, boy or girl scout membership, joining a recreation or community center and even adult guidance and education. In addition, the services of the various and appropriate types of private and public agencies could be enlisted. Youth clubs covering a wide range of activities to meet the desires and interests of the youngsters of the neighborhood could be organized in the block or among several blocks.

Community interest and effort could be obtained by the organization of neighborhood councils in connection with the youth centers, whose duty it would be to work closely with the staff and cooperate in every possible way in developing a climate of law and order in which the youngsters in the neighborhood could grow and develop properly.

In short, these youth centers would be engaged in determining the needs of individual young people living in the neighborhood and coordinating the total range of community services toward meeting those needs. The efforts of all persons and agencies dealing with youth would be concentrated at the neighborhood level and around these neighborhood centers or headquarters. In addition, we think the plan offers the best chance of enlisting the potential of the community in combating juvenile delinquency.

The work of these centers could also be coordinated in a general way with that of officers in charge of probationers and parolees living in the neighborhood.

In rural counties, where most public services are centered in the county seat, similar plans could be developed to extend coordinated services to children and youth at the level of the town, village or school district.

17. The need for more and better trained personnel is recognized to be basic to the improvement of all community services for youth.

The effectiveness of any program serving children and young people lies in the personal qualities and competence of the adults who staff the program, whether in the role of professional workers or volunteer leaders. At the present time serious shortages exist in all the youth-serving professions and this, in turn, affects the kind of guidance that can be given to cooperating citizen volunteers. The commission strongly urges (1) all possible measures to increase the number of persons entering the professions of teaching, social work, public health, nursing, recreation, police youth work, court work, and all related fields; and (2) measures to improve the competence and knowledge of those now working in these fields. These measures would include: salary adjustments where they are now out of line; State scholarships for special studies; State-sponsored institutes and extension courses under the auspices of the State university and other appropriate educational institutions or administrative agencies; and State-sponsored inservice training.

C. Safeguarding the child and society

It is a function of society, and in certain specific respects of the Government, to protect children and adolescents against influences in their environment that could do them serious harm and against the dangers that lie in their own inexperience and immaturity. In the interest of its children, as well as the maintenance of law and order, an effective society cannot tolerate conditions that expose any child to pernicious influences, or encourage lawless or disorderly behavior on his part. Just as the good parent places restrictions upon his children's behavior, so, too, a strong society that values its children and young people does them the greatest service by placing reasonable restrictions upon their behavior and those actions involving the rights of other people or their own safety. The commission, therefore, submits the following recommendations in this area of public obligation.

18. Police departments are urged to provide a special concentration of police personnel, especially foot patrolmen, in areas where delinquency is known to be high.

Since delinquency and youthful offenses represent a serious threat to the well-being of society and have reached serious proportions, our first responsibility is to protect the public (1) by apprehension and detention of those who do harm to life and property, and (2) by preventing such acts. The police represent our first line of defense in protecting the rights both of society and of its individual members. It is an observed fact that certain areas—especially those where overcrowding, poverty, transiency, and minority status create special problems for young people—tend to have an especially high rate of youthful delinquency. A higher concentration of police personnel in such areas is, therefore, important in order to (1) deter the young people who live in or frequent such areas from unlawful acts, (2) protect them from such exploitation as might lead to delinquency, (3) prevent the conditions conducive to lawlessness, and (4) spot the problems that require social remedy. In such areas it is especially important that radio motor patrol units be supplemented by adequate numbers of foot patrolmen, who have a better opportunity to become acquainted with the people and problems of their posts.

19. Police departments are urged wherever possible to establish special youth bureaus, to provide specialized training and opportunity for advancement to the officers assigned to this duty, and to see that all police officers have some youth training.

In the case of children and young people it is especially important that police officers be adequately trained to recognize those situations that may encourage youthful delinquency, to spot those characteristics in individual young people that predispose them to antisocial behavior, and to understand the particular handling that will best meet each individual case. Youth bureaus, manned by police officers especially trained in this field, are a major instrument in achieving this goal. It is also important that all police officers have some training in dealing with young people and handling their problems. Police officers are often the first to spot evidences of potential or incipient delinquency and it is therefore important that they have knowledge of available community services for young people and know how to encourage their use.

20. Laws dealing with dangerous weapons and their use by youths are in need of clarification for effective enforcement. The commission suggests consideration of a proposed statute providing for comprehensive revision.

The bulk of major violent crimes against the person must be ascribed to the young-adult period of life. Practically every criminal homicide, aggravated assault, robbery and mayhem, and much forcible rape, involve the use of a dangerous weapon. Legislation prohibiting possession of such weapons is consequently designed to prevent commission of more serious crimes.

By a process of amendment superimposed upon amendment, the salutary purpose of the original Sullivan law in this State has been dimmed by a fog of confusion and contradiction. Because of its importance in preventing commission of serious crimes by youths, the commission proposes comprehensive revision of existing statutes. Such revision is primarily to obviate confusion; it does not make criminal behavior heretofore not criminal, nor does it make noncriminal behavior formerly criminal. A fuller discussion appears in the "Legislative revision" section IV, post, and a draft of suitable legislation accomplishing this objective will be appended to another report of the commission.

21. Existing statewide statutes on disorderly conduct, together with local legislative power, are sufficiently comprehensive to make possible a curfew for young persons in those localities where law enforcement authorities and community leaders deem

necessary such urgent measures. The commission urges local community leaders to appraise their requirements with a view to determining whether a curfew is necessary or desirable in any particular local situation.

It has been widely recognized that the protection of young persons sometimes requires that they be off the public streets in certain areas at reasonable hours. No specific statewide legislation exists on the subject of curfew. However, section 722 of the penal law provides in part: "Any person who with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, commits any of the following acts, shall be deemed to have committed the offense of disorderly conduct.

"3. Congregates with others on a public street and refuses to move when ordered by the police."

Under such statute, it is largely a matter of local selective enforcement by the police whether youths on street corners or in front of billiard halls will be required to be off the streets by 10 p.m., 11 p.m., or midnight, or any night in the week or only on certain nights.

Obviously, it is impossible to prescribe on a statewide basis whether a curfew is necessary and, if so, what hours would be feasible. Such matters are properly the subject of local legislation and enforcement. Indeed, several localities in the State do have such statutes. While the statute quoted above would not cover the infrequent situation of a single youth standing alone on the street in the late hours, it does provide local police with authority in the common situation that has evoked demands for a curfew.

22. The commission recommends no specific change in existing statewide penal and licensing statutes regulating the sale to and consumption by minors of intoxicating beverages. The problems presented by enforcement and adoption of sensible closing hours are primarily local and not State. Communities are urged by the commission to take necessary action to assure strict enforcement of provisions governing sale to and consumption by minors of such beverages and revision of local closing-hour provisions.

The social atmosphere frequently associated with youthful consumption of intoxicating beverages is by no means conducive to normal social development. At present, statewide statutes prohibit sale of intoxicating liquors to minors under 18, and regulate the hours during which such beverages may be sold to older patrons in only a general way. For example, none may be sold from 3 a.m. to 8 a.m. on weekdays and to 1 p.m. on Sundays, outside the city of New York. However, local boards may adopt any rule further restricting the hours of sale.

The commission recommends no specific change in existing statewide legislation. It urges, however, careful appraisal by each community of the relationship between late hours of closing and crime among older adolescents with a view toward local adoption of more restrictive hours of sale. The commission especially commends to local communities the urgency of strict enforcement of State penal statutes prohibiting sale to and consumption by minors of intoxicating beverages.

23. Prevention of narcotics addiction among young persons requires control of supply primarily at the international and Federal levels as well as programs at the State and local levels to eliminate distribution and demand. The commission suggests consideration of legislation strengthening local enforcement by compelling witnesses to disclose higher-ups in the illicit traffic. The commission urges reexamination of the required minimum quantities of narcotics, possession of which is now necessary for conviction. It recommends that the Government provide adequate treatment facilities, research programs and followup services for all young addicts.

Shutting off local supplies of narcotics—the most dangerous of which are produced abroad—is primarily a function of international control and Federal surveillance. The commission urges more adequate Federal personnel to prevent importation of narcotics in the light of the current breakdown of international control. To strengthen local enforcement, the commission proposes consideration of legislation designed to compel witnesses to disclose the identity of higher-ups in the illicit narcotics traffic by extending to them the immunity now accorded witnesses in bribery, gambling and conspiracy investigations by grand juries. The commission also urges reexamination by the legislature of the various minimum quantities of narcotics, possession of which is necessary in order to convict of a felony in this State. Since 1953, when these quantities were fixed by the legislature, modifications in operations of illicit vendors may warrant reduction of the amount specified. The commission believes that the State has a positive obligation to see that treatment (both institutional and followup services after release) is available to all young addicts. It further believes that research and experimentation in methods of treatment should be intensified in order to find the means to secure a higher percentage of permanent cures.

The commission recommends that (1) compulsory aftercare clinics be established for such youthful addicts on probation or parole; (2) the State establish a single overall agency to collect information and maintain liaison with all groups working in the field of narcotics; (3) the State urge the Federal Government to expand facilities to provide more hospital space for the treatment of narcotic addicts, and that provision be made to permit commitments from State courts to the extent such facilities permit.

A statute proposing extension of immunity to witnesses in narcotics investigations appears in the "Legislative revision" section and appendix E, post.

24. The commission recognizes that the New York State Joint Legislative Committee to Study the Publication and Dissemination of Offensive and Obscene Material is considering the problem of possible regulatory legislation for public media of communication. On the basis of its own investigation, however, this commission urges all those responsible for material reaching the general public and particularly youth that they accept full responsibility for their part in creating a social climate built upon sound values of morality and citizenship.

Public media of communication, like press, television, radio, and movies, today play a major role in contributing to the moral climate, which in turn influences the attitudes and behavior of young people. This places on those who determine the policies and content of publications and programs that appeal to young people a special responsibility to emphasize those positive values of morality, good citizenship, and constructive achievement that will encourage healthy social attitudes.

The commission also urges that the names and identities of young persons involved in delinquent behavior not be publicized in order to give them every chance for rehabilitation.

D. Improved measures to deal with delinquency among youth

Society has a dual responsibility regarding youthful delinquency when, despite all preventive efforts, it actually occurs. Individual freedom depends upon the maintenance of public order, and illegal actions must be curbed, whatever the age of their perpetrator. However, when the lawbreaker is young and immature, society will in the long run benefit by an approach to his delinquency that combines (1) determination of personal responsibility for his behavior under the law, (2) measures designed to meet the individual conditions that caused such behavior, and (3) protection for society as a whole. In this sense both the legal measures to fix responsibility and the remedial measures to help the young delinquent are themselves directed to the prevention of future delinquency and crime. The Commission feels that both should be strengthened and makes the following recommendations to this end.

25. The commission, recognizing the importance of strengthening parental responsibility for young delinquents, recommends legislation authorizing written specified directions to parents of delinquent children upon adjudication involving probation.

The significance of parental conduct in influencing moral attitudes and behavior on the part of their children can hardly be overemphasized. At the same time, the role of the criminal law in compelling correct parental behavior is considerably circumscribed. Criminal codes, with all their centuries of experience, cannot build character or develop desirable habits, attitudes, interests, and ideals. In this respect, the criminal law must always offer feeble competition to familiar ethical effects of church or synagogue, home, school, and community.

Nevertheless, in appropriate cases of extreme and repeated parental neglect there must be intervention of the criminal law. Present statutes are unsuitable because of their vagueness, spasmodic invocation, and the occasional harshness of their penalties. To make their warning fair and their application consistently humane and practical, the commission proposes legislation providing for written specified directions concerning conduct that must be engaged in or refrained from by parents of delinquent or neglected children. Contumacious disobedience of such directions would subject a recalcitrant parent to milder but more certain punishment than is presently provided. A fuller discussion of the problem and the proposed solutions appear in the legislative revision section and appendix C, post.

26. The auxiliary services of specialists such as social workers, probation officers, psychologists, psychiatrists, and others should be available on an adequate basis in all courts dealing with juvenile and adolescent offenders in order to assist the judge in determining the facts of the child's background and deciding on the best treatment for each individual case.

Success in reversing the processes that lead a child or young person to delinquent behavior depends in the first instance on a knowledge and understanding of those factors in his background and his personality that have led to such behavior. The judge dealing with such children can make constructive decisions regarding the most appropriate handling of their cases only when he has available all necessary auxiliary services to provide such facts. Social workers and probation officers can provide information on social and family background; psychological and psychiatric examination may be necessary to determine the facts on possible personality disturbance or mental retardation. These services are now unavailable in many courts and wholly inadequate in others. The commission urges their extension and also urges children's court judges to make preliminary investigations in all cases except those where there is a substantial question that the delinquency charged has actually been committed by the youth involved before the court. Such a program has been tried and found successful in some areas of this State.

The commission urges the legislature to give careful consideration to the need for

adequate legal counsel for indigent youth charged with criminal offenses.

27. The commission proposes legislation extending the benefits of rehabilitative treatment under the youthful offender law to include 19- and 20-year-old youths and at the same time protecting society by providing certain safeguards against repeating offenders.

Since 1943, this State has, under carefully circumscribed conditions, extended some of the benefits of the rehabilitative treatment available in the children's courts for juveniles to adolescent offenders, 16 through 18. There is nothing automatic about the youthful offender law. It may be invoked only in the discretion of the criminal court. However disposed such judge may be, the youthful offender law cannot extend to youths who commit crimes punishable by death or life imprisonment, or who have been previously convicted of a felony. Moreover, the same type of treatment from the viewpoint of social protection, probationary and institutional, is provided after adjudication as youthful offender as that for conviction of crime. Indeed, it is possible in many instances to have treatment more extended in duration upon adjudication as youthful offender than if the young offender were convicted for the same behavior.

The principal difference in treatment between the adjudication as youthful offender and criminal conviction is that rehabilitation of the actual offender is the primary goal. A more flexible institutional program is made available in that commitment to religious and charitable institutions as well as governmentally operated ones, is now possible.

The most significant aim of youthful-offender treatment—apart from its rehabilitative purpose—is to prevent young persons who come into conflict with the law from forever after becoming avowed enemies of society. An adjudication under this law involves no disqualifying brand of criminal conviction.

The success of the application of this procedure in the cases where it has been invoked justify its extension to 19 and 20 year olds under the same circumscribed conditions. However, the commission, mindful of the needs of social protection and the fact that many serious felonies are committed by youths, insists that youthful-offender treatment no longer be extended to youths who have once availed themselves of its benefits in cases involving felonies. To permit successive adjudications is inconsistent with the purpose of the youthful offender law. Accordingly, the commission proposes legislation to accomplish this objective. The proposed amendment and a more detailed discussion of the evil sought to be remedied appear in the legislative revision section and appendix B, post.

28. The commission proposes legislation providing for mandatory prepleading investigation of all those eligible under statute for youthful-offender treatment.

A youth steals from a desk drawer. For such crime of larceny, an investigation of the youth's background to determine whether or not he should receive youthful-offender treatment would ordinarily be ordered in many counties. But the same youth may come into possession of the identical loot by a holdup. For such crime of robbery, the youth may often be summarily denied youthful-offender treatment without any investigation of his background to determine whether or not such treatment would be appropriate in his case. Granting or withholding youthful-offender treatment solely because of the trivial or serious nature of the crime, without regard to the potentialities for reform in the character of the offender, is often unwise. Some investigation of his background must be made even if he is not treated as a youthful offender. If the proceeding is to be a criminal one, that investigation will be ordered after trial and conviction, and before sentence. The commission proposes legislation making mandatory this investigation before the determination is made whether the youth be treated as a criminal or as a youthful offender. No additional burden is imposed on the investigatorial facilities of existing probation services. Under the proposed system, the investigation takes place before rather than after disposition of the question of eligibility for youthful-offender treatment. At least one county has adopted this plan of prepleading investigation in all cases as a matter of court practice. The proposed legislation would extend the practice to all counties. A more detailed discussion of the problem together with the proposed amendment to existing law appears in the legislative revision section and appendix B, post.

29. The commission proposes legislation extending the youthful offender law to youths charged with offenses and certain criminal behavior below the grade of misdemeanor, not including traffic violations.

A youth engaging in disorderly conduct under one section of the penal law is eligible for treatment as a youthful offender; the same youth charged with identical behavior under a different section must bear the stigma of criminal conviction. This is so because youthful-offender treatment, through inadvertence or otherwise, is not available for criminal behavior not serious enough to amount to misdemeanor or felony. The commission proposes legislation eliminating ineligibility for youthful-offender treatment as a matter of law because the youth has committed an act not amounting to a misdemeanor or a felony. A full discussion and proposed amendment accomplishing this objective are set forth in the legislative revision section and appendix B, post.

30. The commission proposes legislation redefining arrest so as to exclude youths taken into custody and subsequently adjudged youthful offenders or wayward minors, and also children subsequently found to be juvenile delinquents or neglected.

Removal of the stigma of a criminal conviction is one of the methods by which the youthful offender law undertakes to rehabilitate youths in conflict with the law. Under the present law, an adjudicated youthful offender seeking employment or enlisting in the armed services may truthfully state that he has never been convicted of a crime. But if asked if he has ever been arrested, his truthful answer may frequently serve to disqualify him. The commission proposes legislation to meet this situation, as well as that presented by the cases of wayward minors and youths under 16 taken into custody as juvenile delinquents or neglected children. The proposed amendment and more detailed discussion appear in the legislative revision section, appendix B, post.

31. The commission proposes legislation abolishing ineligibility for civil service employment or license under the State or its political subdivisions solely by reason of an arrest not resulting in conviction of crime, or resulting in adjudication as youthful offender, wayward minor, juvenile delinquent or neglected child.

In line with the rehabilitative purpose of treatment of juvenile and adolescent offenders, the commission proposes legislation to remove the disqualifying stigma of arrest in the cases of those applying for civil service employment under the State or its political subdivisions, as well as those seeking licenses, permits and privileges under similar authority. Such legislation does not embrace youths convicted of crimes. A new statute, together with appropriate comment, is set forth in the legislative revision section and appendix B, post.

32. There is need to improve and expand probation service in all courts dealing with juvenile and adolescent offenders throughout the State with a view to moving toward a unified system in the larger centers of population and a broader coverage of probation service in the rural counties.

Many courts dealing with children and adolescents in the rural counties are not at present staffed with probation officers, while the complex pattern of separate probation services in the larger metropolitan areas does not always insure the best use of available staff. The commission urges counties to take full advantage of present State aid to assure probation service in all courts dealing with children and young people and suggests that the metropolitan counties study the practicability of moving toward a unified system with due recognition of the special needs of children's courts.

33. Special temporary detention provisions for children and young people who are being held pending court action or other disposition should be provided throughout the State.

Special provisions should be available in adequate quantity throughout the State for children who must have shelter care while awaiting court action. Temporary detention care must be such as to protect the interests both of society and the child, giving full recognition to the morals, health, welfare, and safety of the latter. To place such children in jails or even in inadequately supervised shelters during such a period may very well intensify the very tendencies to delinquency that it is desired to correct. Properly supervised facilities for temporary detention, may not only assist the child but also provide diagnostic service, which can prove invaluable to the judge in making a longer term disposition of the case.

34. It is urged that new and experimental methods of handling those delinquents and adolescent offenders who must be removed from their own homes be explored both within the training schools and other institutions to which such children are now committed and through such plans as work camps, boarding homes, group residences, and specialized foster home placement.

No aspect of the problem of juvenile delinquency and youthful crime is more puzzling than that of what to do with the child or young person adjudicated a delinquent or youthful offender who must be removed from his own home because his antisocial actions are so serious as to constitute a menace to society, or because his home environment is hopelessly inadequate to cope with his delinquency, or because his behavior and attitudes require it. The fact that some past studies have shown discouraging results with respect to the rehabilitation of young delinquents points to the need for more intensive study of the problem and more experimentation in terms of method. The commission, therefore, urges the following: (1) Research experimentation, and demonstration through pilot projects; (2) diversification in methods of treatment; (3) more adequate provisions for young delinquents with special problems, including those with serious personality disturbances; (4) followup care for and study of those young people who have been released from institutions; and (5) the fullest exploration of methods to provide supervised care for nonconfirmed delinquents through arrangements such as specialized foster home placement, work camps, and group residences, which do not involve institutional isolation but permit a guided participation in community life. The commission also wishes to emphasize its belief that moral and religious values should be stressed in all rehabilitative treatment of young delinquents.

EXHIBIT 2

On page 5, line 5, strike out "title I and title II" and insert in lieu thereof "title I, title II, and title V".

On page 5, line 25 and page 6, line 1, strike out "title I and title II" and insert in lieu thereof "title I, title II, and title V".

On page 7, following line 16, insert the following:

TITLE V—GRANTS FOR STRENGTHENING AND IMPROVING STATE AND LOCAL PROGRAMS

Authorization of appropriations

SEC. 501. For the purpose of assisting the States to strengthen and improve State and local programs for the control of juvenile delinquency, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1962, the sum of $2,000,000, and for each of the following three fiscal years such sums, not to exceed $5,000,000 annually, as the Congress may determine.

Grants to States

SEC. 502. The sums appropriated under section 501 for any fiscal year shall be available for making grants to States to assist them to strengthen and improve, under approved State plans, programs for the control of juvenile delinquency through—

(a) determination of the needs in the State for strengthening and improving State and local programs for the control of juvenile delinquency, and development of plans to meet these needs;

(b) coordination, on a continuing basis, of juvenile delinquency control programs and of plans for strengthening and improving the same;

(c) training of personnel, employed or preparing for employment in juvenile delinquency control programs, in the furnishing of improved services to delinquent youth, including training in educational institutions or in-service training, or both;

(d) demonstrations of improved services for the location, treatment, and aftercare of delinquent youth; and

(e) research and investigations for assessing the causes and extent of juvenile delinquency and the effectiveness of existing control programs, and for developing improved methods for the control of juvenile delinquency.

State plans

SEC. 503. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall approve any State plan for carrying out the purposes set forth in section 502 if he finds that such State plan—

(a) provides for the administration of the plan by a single State agency directly or, under the supervision of such agency, through arrangements with other State or local agencies;

(b) provides for the establishment of a State advisory council to consult with the State agency in the administration of the State plan, such council to consist of (1) representatives of State agencies concerned with the control of juvenile delinquency, including to the extent feasible the State welfare, education, health, and labor departments, State mental health and vocational rehabilitation authorities, the State employment service, and State agencies responsible for services to, or care of, delinquent youth, and persons representative of juvenile courts, and probation and police services, and (2) persons representative of voluntary organizations responsible for services to delinquent youth, and of professional and civic groups concerned with problems of children and youth, especially the problem of juvenile delinquency;

(c) provides measures designed to achieve effective coordination, on a continuing basis, between the programs of the various State and local agencies concerned with the control of juvenile delinquency, and between such programs and the activities of voluntary organizations providing services for, or concerned with, the control of juvenile delinquency;

(d) provides for financial participation by the State;

(e) provides for carrying out the first four of the five purposes set forth in section 502 or for carrying out all such purposes;

(f) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that (A) the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods and (B) approval of a State plan shall not be withheld by reason of a State law which prevents a State or local agency from providing such methods, if the Secretary finds that such law was enacted prior to the enactment of this Act and the plan provides methods assuring that only qualified personnel will be employed) as are necessary for the proper and efficient operation of the plan; and

(g) provides that the State agency administering or supervising the administration of the plan shall make such reports, in such form, and containing such information as the Secretary may from time to time reasonably require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

Allotments and payments to States

SEC. 504. (a) From the sums available in any fiscal year for grants to States under section 502, each State shall be entitled to an allotment of an amount which bears the same ratio to such sums as the child population of such State bears to the child population of all the States. The allotment to any State under the preceding sentence for a fiscal year which is less than $30,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $30,000.

(b) From each State's allotment under this section for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as defined in section 507 (b)) of the cost of carrying out the purposes set forth in section 502 in accordance with its State plan approved under section 503: *Provided*, That from each State's allotment for the fiscal years ending June 30, 1962, and June 30, 1963, the Secretary shall pay to such State an amount equal to 100 per centum of so much of the cost of carrying out such purposes as does not exceed $30,000 for the two years combined, and an amount equal to its Federal share (as so defined) of such cost in excess of $30,000 for the two years combined.

Method of computing and making payments

SEC. 505. The method of computing and paying amounts pursuant to section 504 shall be as follows:

(a) The Secretary, shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such section for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(b) The Secretary shall pay to the State, from the allotment available therefor, the amounts so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such section was greater or less than the amount which should have been paid to the State for such prior period under such section. Such payments shall be made in such installments as the Secretary may determine.

Withholding of payments and judicial review

SEC. 506. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under section 503 finds (1) that the State plan has been so changed that it no longer complies with a provision required by section 503 to be included in the plan, or (2) that in the administration of the plan there is a failure to comply substantially with such a provision, the Secretary shall notify the State agency or agencies that no further payments will be made to the State under section 504 (or in his discretion that further payments will not be made to the State for portions of the State plan affected by such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under section 504 (or shall limit payments to portions of the State plan in which there is no such failure).

(b) If any State is dissatisfied with the Secretary's action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

Definitions

SEC. 507. For the purposes of this Title—

(a) The term "State" includes Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam;

(b) (1) The "Federal share" for any State shall be 100 per centum, less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 66⅔ per centum;

(2) The "Federal shares" shall be promulgated by the Secretary as soon as possible after enactment of this Act and again between July 1 and September 30 of the year 1963, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the three fiscal years in the period beginning

July 1, 1961, and ending June 30, 1964, and the second shall be conclusive for each of the two fiscal years in the period beginning July 1, 1964, and ending June 30, 1966; and

(c) The term "child population" means the population under the age of twenty-one years, and the "population" and "child population" of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

On page 7, line 17, strike out "Title V" and insert "Title VI".

On page 7, line 18, strike out "501" and insert "601".

The PRESIDING OFFICER. The committee amendments will now be stated.

The LEGISLATIVE CLERK. On page 1, line 8, after the word "delinquency", strike out "is increasing in both urban and rural communities" and insert "presents increasingly serious community problems"; on page 2, line 13, after the word "the", strike out "four" and insert "three"; and on page 3, line 18, after the word "the", strike out "four" and insert "three"; so as to make the bill read:

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 "Juvenile Delinquency Act of 1961".

FINDINGS AND POLICIES

SEC. 2. (a) The Congress hereby finds and declares that juvenile delinquency diminishes the strength and vitality of the people of our Nation; that such delinquency presents increasingly serious community problems; and that its prevention, control, and treatment require intensive efforts on the part of private and governmental interests.

(b) The policy of the Federal Government shall be to assist in the prevention, control, and treatment of juvenile delinquency.

TITLE I—DEMONSTRATION AND STUDY PROJECTS

SEC. 101. (a) For the purpose of demonstrating and developing improved methods, including methods for the training of personnel, for the prevention, control, and treatment of juvenile delinquency, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1961, and for each of the three succeeding fiscal years such sum, not to exceed $2,500,000, as the Congress may determine.

(b) The sums appropriated under this title shall be available for grants or contracts to carry out projects for demonstrations and studies which, in the judgment of the Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") hold promise of making a substantial contribution to the discovery, the development, or the evaluation of demonstration of the effectiveness, of techniques and practices, including techniques and practices for the training of personnel, for the prevention, control, and treatment of juvenile delinquency. The Secretary may make such grants to States and municipalities and to other public and private nonprofit agencies, including institutions of higher learning or research: *Provided,* That the Secretary shall require each grant recipient to contribute money, facilities, or services to the extent the Secretary deems appropriate. He may enter into contracts for such projects with public or private organizations or agencies or with any individuals.

(c) Payments under this title may be made in advance or by way of reimbursement as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this title.

TITLE II—TRAINING OF PERSONNEL

SEC. 201. (a) For the purpose of training personnel, employed or preparing for employment in programs for the prevention, control, and treatment of juvenile delinquency, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1961, and for each of the three succeeding fiscal years such sum, not to exceed $2,500,000, as the Congress may determine.

(b) Sums appropriated under this title shall be available for grants or contracts to carry out programs for the training of such personnel, which in the judgment of the Secretary hold promise of making a substantial contribution to the prevention, control, and treatment of juvenile delinquency. Such programs may include the development of courses, fellowships, and traineeships, with such stipends and allowances, including travel and subsistence expenses as the Secretary may determine to be necessary. The Secretary may make such grants to States and municipalities and to other public and private nonprofit agencies, including institutions of higher learning: *Provided,* That the Secretary shall require each grant recipient to contribute money, facilities, or services to the extent the Secretary deems appropriate. He may enter into contracts for such programs with public or private organizations or agencies or with individuals.

(c) Payments under this title may be made in advance or by way of reimbursement as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this title.

TITLE III—TECHNICAL ASSISTANCE SERVICE

SEC. 301. (a) The Secretary shall make studies, investigations, and reports with respect to matters relating to the prevention, control, and treatment of juvenile delinquency, including the effectiveness of programs carried out under this Act, cooperate with and render technical assistance to States and municipalities and other public and private agencies in such matters, and provide short-terms training and instruction in technical matters relating to juvenile delinquency.

(b) The Secretary shall, in connection with all grants and contracts provided for in title I and title II, collect, evaluate, publish, and disseminate information and materials for agencies and personnel engaged in programs concerning juvenile delinquency.

TITLE IV—NATIONAL ADVISORY COUNCIL ON JUVENILE DELINQUENCY

SEC. 401. (a) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on Juvenile Delinquency (hereinafter referred to as the "Council"). The Council shall be composed of the Secretary or his designee, who shall be Chairman, and twelve members appointed without regard to the civil service laws by the Secretary. The appointed members of the Council shall be persons (including persons from public and voluntary organizations) who are recognized authorities in professional or technical fields related to juvenile delinquency or persons representative of the general public who are leaders in programs concerned with juvenile delinquency. The Council shall advise the Secretary on the administration of this Act.

(b) Before any grant or contract is made under title I and title II, the Council shall review the project or program involved and shall submit its recommendation thereon to the Secretary. The Council may also recommend to the Secretary projects or programs initiated by it. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to this Act for such periods, in addition to conference periods, as he may determine.

(c) Appointed members of the Council, while attending meetings of the Council or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notwithstanding the foregoing or any other provision of law the Secretary may accept the services of appointed members under this section without the payment of compensation therefor (and with or without payment of travel expenses or per diem in lieu of subsistence).

(d)(1) Any member of the Council is hereby exempted with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99), except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) shall not extend—

(A) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment; or

(B) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

TITLE V—GENERAL PROVISIONS

SEC. 501. (a) The Secretary is authorized to make regulations governing the administration of this Act.

(b) The Secretary shall include in his annual report a full report of the administration of this Act.

(c) There are hereby authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer this Act.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DODD obtained the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Connecticut yield to me?

Mr. DODD. Mr. President, I am happy to yield briefly to the Senator from Ohio, if I may do so without losing my right to the floor.

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

Mr. LAUSCHE. Mr. President, I desire to speak in regard to the juvenile delinquency bill.

This bill seems to me to be substantially a reproduction of the bill we passed a

year ago. That bill evidently failed in the House or somewhere in the general procedure.

Last year, I opposed that bill; and my views on this subject have not changed.

The bill now before us contemplates the expenditure of $2,500,000 a year, over a period of 4 years, for the purpose of studying methods and ways to deal with juvenile delinquency.

My grounds for opposition to the bill can be stated very simply: In our country we have ministers, priests, and rabbis, at practically every point in the Nation, and in huge numbers in our cities. We have schools almost everywhere and schoolteachers in great numbers. We have social workers who are operating in practically ever State. We have our police, our prosecutors, our judges, our probation officers, and the custodians of penal institutions. Finally, and of the greatest significance, are some 60,000 homes in which the parents are in command of their children.

The pending bill contemplates declaring to the people of the United States that the Federal Congress will, by means of the expenditure of $10 million, evolve methods with which to control juvenile delinquency.

But, Mr. President, what about the huge army of those who now have the responsibility—the parents, the teachers, and the religious leaders, apart from those who are in charge of our criminal institutions.

My view is that the spending of the $10 million will merely create new agencies to give employment to people, in order to have them perform functions which now can be performed in our universities, schools, churches, and homes.

Proper action in this field will require more than an act of Congress; it will require, I believe, proper exemplification, first by the Members of Congress, in showing high devotion to morality.

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

Mr. LAUSCHE. I yield.

Mr. JAVITS. I think the Senator from Ohio knows that there are very few Senators who respect him more than I do, in terms of his views.

Mr. LAUSCHE. I thank the Senator from New York.

Mr. JAVITS. But in connection with this subject, let me say to the Senator from Ohio, in all humility—and I would not speak on this subject unless I had had some particular, specialized experience, which I had in New York when I was in law-enforcement work there, and actually dealt with this problem—that I am not trying to influence his views. Undoubtedly the bill will be passed by the Senate.

But because the Senator from Ohio is so sincere in his beliefs, I wish to say that what he has stated is 100 percent correct. Certainly of the utmost importance are morality and the parents, the priests, the rabbis, the ministers, and the whole moral climate of the country. Furthermore, I may add, business leaders, too, must be moral.

Mr. LAUSCHE. Yes.

Mr. JAVITS. So must all of the people who are preceptors and leaders in the communities.

But, in addition to all that—and we need all that, and we must fight to have it—other things, of a specialized sort, are needed in order really to get down to the hardpan. For instance in order to deal properly with a houseful of incorrigible youths, specialized services and functions are needed. Such situations exist in New York and in other places. The Senator from Ohio and I cannot deal with those problems; neither can the Boy Scout leaders or the many other outstanding persons who unselfishly spend their time in working in these fields.

Some of this work is extremely dangerous. Some of the workers who go into gang hangouts in New York have suffered great personal harm, and run into personal danger.

Furthermore, psychiatrists must play their part in these situations, for some of these children are mentally sick.

If we are to deal properly with this matter, in a preventive way, certainly we shall need more and more and more of what the Senator from Ohio has spoken of.

But the pending bill tries to fill what really is a very great need in terms of such establishments, which for the most part are understaffed, and often do not use the correct techniques. Often they do not have adequate resources in order to cope with the situations which immediately confront them, and with which they must deal adequately until such time as the factors of which the Senator from Ohio has spoken can take hold.

Certainly, I have the greatest respect for the Senator from Ohio; and I am not attempting to persuade him to change his views. My only purpose is to point out what motivates persons such as the Senator from Pennsylvania [Mr. CLARK] and myself, who understand the validity of the point the Senator from Ohio has made, and yet recognize the need actually to do something on the working level about this matter, under the conditions which exist today.

Mr. LAUSCHE. Mr. President, I respect the views of the Senator from New York. However, to reply specifically to what he has said, let me say that I concede the existence of a need to train people to help from a sociological standpoint to cope with this problem. But I submit that all over the country it is being dealt with by universities, high schools, other schools, and theological institutions; for instance, in Ohio 53 colleges and universities are teaching sociology and criminology. I cannot believe that the intrusion of the Federal Government into this work will bring about anything new.

It will bring, as it has been said here, a harnessing of the resources of the country. Whether the placing of such a program under the aegis of the Federal Government, with the spending of $10 million in 4 years, will do any good, I do not know. But I respectfully submit that we could do much greater good if on the floor of both Houses of Congress we began smashing those institutions and activities which are setting bad examples for the children of our country. The newspapers carry accounts of the conduct of businessmen, labor leaders, and public officials. Are we setting an example for youth to be unmindful of what is decent and right? In countless cities in the United States, there are brothels and gambling institutions, and there are slot machines on the very outskirts of Washington, robbing people day after day. Yet we tolerate those conditions, and say nothing about it.

A juvenile can go a short distance from Washington and put his quarters in slot machines, never having a chance to get back his money. What can that youth say about morality? What can he say about the example that adults are setting for his proper guidance in life? We should be talking about elimination of those institutions that are debasing morality. We should be talking about the publishers of unmoral books, and the exhibitors of bad moving pictures, and the distributors of pornographic literature. How can we expect a child who receives indecent literature in the mail to react? But not one word of that. We are merely told we should provide $10 million to establish agencies to train people to fight juvenile delinquency.

Every day parents write to me, "Help us keep our children from being contaminated." But we do nothing about it. Homes are bombed and business houses are bombed, without anybody challenging the morality of such acts.

I respect the Senator from New York and the Senator from Pennsylvania, but I humbly submit the bill will result in a mere proliferation of new agencies throughout the land.

I cannot vote for the pending measure. It provides $2½ million for this year; and before 10 years have passed, it will have grown into a topsy-turvy, big spending program, without producing any good.

I think the ministers, and the rabbis, and the priests, and the college presidents and regents, will subscribe to the views I have expressed.

I yield the floor.

Mr. DODD. Mr. President, I think the Senator from Ohio has made a very sound point. I wish to say to him that many of us, as the Senator from New York has said, find ourselves in considerable agreement with him. What he has said about the spiritual leaders, schoolteachers, and the role of various institutions is well and good. My own view is that these groups need help. We are in an epidemic situation. The first thing to do, therefore, is to try to treat the disease. Then we shall have a better chance to work to eradicate the root causes.

With respect to filthy and indecent literature, and all the other unmoral influences of which the Senator from Ohio has convincingly spoken, I can say the Subcommittee on Juvenile Delinquency, of which I am honored to be chairman, has made concrete proposals, will make others, and we hope to make legislative

progress in this Congress with respect to all those matters.

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

Mr. DODD. I yield.

Mr. LAUSCHE. I recognize the sincerity of purpose of the sponsors of the bill, and I recognize that a strong argument can be made in behalf of it. I cannot subscribe to the proposal. I hope it works out well. I wish to say to the Senator from Pennsylvania [Mr. CLARK], the Senator from New York [Mr. JAVITS], the Senator from Alabama [Mr. HILL], and the Senator from Connecticut [Mr. DODD], that I have deep respect for their judgment and for their sincerity. However, I cannot concur in their views.

Mr. DODD. I appreciate the statement of the Senator.

Mr. President, I support the bill before us (S. 279), which will establish federally assisted programs for the training of personnel to deal with juvenile delinquency and for demonstration and study projects which will lead the way to real progress in the solving of a grave national problem.

I would be less than frank, however, if I did not express my disappointment at the meager extent of this bill. I fear that it is far too small and I hope we shall do better later this year when the administration and the committees operating in this field in both Houses make the same concerted, united effort that we have seen demonstrated in other fields.

Those of us who are interested in the problem of juvenile crime have been working for a long time for the enactment of a bill that would mark the beginning of a comprehensive Federal program to combat the national menace posed by juvenile delinquency.

For the past several years, members of the Subcommittee To Investigate Juvenile Delinquency have been introducing proposals essentially the same as that now before us. This subcommittee has held some 45 hearings which have pointed up the need for such legislation.

Senator KEFAUVER and our late colleague, Senator Hennings, were the trailblazers in this field. It was they who aroused the Nation to the national dimensions of this problem. It was they who first authored this type of legislation. It was they who made the fight for it year in and year out.

Under the circumstances which prevailed during the past several years, those of us who support legislation of this kind would have been very pleased to have this bill favorably acted upon, today by the Senate, for we were then operating in a rather hostile atmosphere. The public was not as concerned with the problem; the Congress was not as informed; and the administration was not as sympathetic. Under these conditions, the best we could hope for was a token bill, a skeleton bill, a mere beginning which it was hoped would grow into an effective program. It was in these terms that Senator Hennings referred to the bill now before us when he successfully urged its passage last year.

I am disappointed with the pending bill for one reason. The circumstances which in the past made a skeleton bill necessary have all changed, yet the skeleton bill is still before us.

Legislation which would more than double the scope of the pending bill was introduced several weeks ago by myself and Senators KEFAUVER, CARROLL, and HART. Last week Senator HUMPHREY and Senator MORSE introduced legislation even more extensive. And it is no secret that the administration is on the verge of recommending legislation far broader in scope than S. 279, the bill now before us.

The essential difference between S. 279 and these other proposals is the critical question of funds. The bill before us attempts to finance a national program with an authorization of $5 million a year, one-thirteenth of the juvenile delinquency budget of the city of New York. Other measures which have been proposed would more than double this authorization. Even these measures are inadequate to the scope of the problem but they represent to me a bedrock minimum if this program is to have a fair chance to succeed. These additional funds might spell the difference between failure and success. The States may well feel that the cost of setting up an administrative organization and designing programs to take advantage of this bill may be too great in proportion to the amount of Federal benefits available. We cannot expect the States and localities to set up effective administration, to create facilities, to retain personnel in cooperation with a Federal program, if the money that we provide to them is a token amount only.

Notwithstanding this objection, I shall of course support the measure and work to extend its scope in the future.

My interest in the field of youth problems is the interest of a lifetime. For more than 28 years, I have been dealing with youth problems in a variety of public and civic capacities and I am privileged to have the opportunity to continue this work as chairman of the Subcommittee To Investigate Juvenile Delinquency.

Those of us who were working in this field back in early 1934 and 1935 faced different problems. Our task was to fight a lawlessness which had its essential root in poverty. We had to make a great struggle to provide young people with bare material necessities, to put clothes on their backs, to help them to continue in school, to get them part-time jobs and full-time jobs so that they could help their families.

The nature of the problem has changed since then but unfortunately the size of it has grown and continues to grow each year. We have no argument with the Senator from Ohio [Mr. LAUSCHE] and others who insist that the family, the church, the school, the local community must play their proper role if we are to solve this problem.

We say the same thing and have been saying it year after year. But saying it does not alter the fact that juvenile delinquency continues to spread through the land like an epidemic. I do not know of any spiritual leader, of any educator, of any prosecutor, of any judge, of any probation officer, or of any other person who has devoted study to this field who does not feel that some effort is required by the National Government if we are to help the family, the church, the school, the local government to act more effectively.

The legislation before us today is only a beginning in the national effort that must be made to combat juvenile crime and to eliminate conditions which spawn juvenile delinquency. But it is a beginning which can be improved upon. I therefore support this bill and will work to implement it in the years ahead.

I note the presence on the floor of the distinguished senior Senator from Tennessee, Mr. KEFAUVER, and I would like to repeat what I said earlier, that he is among the pioneers, the trailblazers in this field who has worked effectively to point out to the American people the size and nature of this problem and the ways to deal with it. The bill before us is only one of the many benefits that have arisen from his work in this field.

The PRESIDING OFFICER (Mr. HICKEY in the chair). The bill having been read the third time, the question is, Shall it pass?

The bill (S. 279) was passed.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to lay on the table the motion of the Senator from Pennsylvania to reconsider.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, I should like to have the RECORD note that I voted against passage of the bill.

AMENDMENT OF TITLE II, VOCATIONAL EDUCATION ACT OF 1946

Mr. HILL. Mr. President, I ask the Presiding Officer to lay before the Senate the amendment of the House of Representatives to S. 278.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 278) to amend title II of the Vocational Education Act of 1946, relating to practical nurse training, and for other purposes, which was, on page 2, line 8, strike out "(20 U.S.C. 32–33)" and insert "(20 U.S.C. 31–33)".

Mr. HILL. Mr. President, the House amendment merely corrects a typographical error. The bill carried the letters and figures "20 U.S.C. 32–33" when the letters and figures should have been "20 U.S.C. 31–33".

I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE VOICE OF THE CONSUMER WILL BE HEARD IN THE LAND

Mrs. NEUBERGER. Mr. President, I was encouraged and heartened when I read the text of Secretary of Agriculture Freeman's address at the University of Illinois Farm and Home Festival in Urbana, Ill., on April 6, 1961.

In his remarks at the university, he said consumers should and will have an important voice in the formulation of new farm programs. I applaud this announcement, and look forward to its implementation.

The Secretary plans that consumer representatives will help develop individual commodity programs under the administration's new farm legislative proposals.

For too many years the consuming public has worked without help or necessary rules and regulations. I think we are about to watch a new birth of freedom under which each of us will be assured that his consumer interests will be considered and safeguarded, and his opinions will be sought.

I ask unanimous consent that Secretary Freeman's penetrating and much-needed remarks be printed in the RECORD. They appear as part of a statement issued by the Department of Agriculture.

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

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AT THE UNIVERSITY OF ILLINOIS FARM AND HOME FESTIVAL, URBANA, ILL., APRIL 6, 1961

Secretary of Agriculture Orville L. Freeman said today that consumers should and will have an important voice in the formulation of new farm programs.

He told a University of Illinois Farm and Home Festival audience that consumer representatives would serve as members of elected farm commodity committees which would develop individual commodity programs under the administration's new farm legislative proposals.

"Whenever it is determined that a program is needed for a particular commodity, at least one member of the commodity committee selected to formulate this program shall be appointed to represent the consumer point of view."

Under the Kennedy farm proposal, producers of any commodity for which a program is needed would select representatives to consult with the Secretary of Agriculture in developing such a program.

The flexibility of the proposed legislation permits the producers to develop any one of many varied programs. For some producers it would involve help to develop procedures to upgrade the quality of the product, for others it would provide marketing assistance and for another producer group it could help develop research on utilization. For commodities in which production is increasing more rapidly than demand, producers could establish machinery to assist them in bringing supply within reasonable balance with current need.

Once the particular program has been formulated, all producers of the commodity would then have an opportunity by a referendum vote to accept or reject the proposal. If a two-thirds majority vote yes, the proposed program then would be submitted for approval or disapproval to Congress before going into effect.

"These new procedures which the President proposed in his message to the Congress March 16 will make it possible to supply the Nation with plentiful agricultural products at reasonable prices and at a return that will be adequate to the producer," Secretary Freeman said.

"We feel that procedures which give the farmers the primary responsibility for developing and guiding farm programs are essential to this goal. The American farmers have so successfully managed our agriculture that today the United States stands unchallenged as the leading agricultural nation in the world. It is now time to provide the tools to manage this productive capacity so as to meet human needs without destroying those people who made it possible.

"But in equipping the farmer with these tools, it is also essential that adequate checks and balances be provided to guard the public interest.

"One such balance would be to maintain the voice of the consumer in the formulation of any program dealing with the farm commodities produced in this country.

"Another check would be the Secretary of Agriculture with whom the commodity committees would consult in the development of a program for a particular commodity.

"A third check would be the farmers themselves who would vote on any program once it has been formulated. Before the program would be submitted to Congress for its approval, it would require support of a substantial majority of the producers affected.

"The fourth check would be the Congress, the final guardian of the public interest. Before any farm program could be placed in operation, the Congress would have the responsibility of either approving or disapproving the action taken by the producers.

"Theirs would be the final authority, the final judgment. The Congress, however, would not be burdened with the need to legislate on a commodity-by-commodity basis. It would be free of pressures and of the burden of detailed analysis on many separate programs."

Freeman said the emphasis on consumer needs will be placed in other areas within the Department in addition to consumer participation in program formulation.

"We intend to reestablish a consciousness of the consumer's interest in the day-to-day activities of the Department. This will range from providing staff personnel with the responsibility of representing consumer views to a determined effort to seek greater consumer counseling on the regulatory functions of the Department.

"Later this month, we shall begin a series of public hearings around the Nation to reopen the question of how much additional water should be allowed in smoked hams being marketed from federally inspected packing plants.

"It will be the first public hearing conducted to help better use the regulatory powers which the Department has available for insuring wholesome, unadulterated products. In the future, all hearings on matters which affect the public will be open to the public.

"There is presently in the Department a program to inform housewives all over the Nation of those foods which are in plentiful supply and which make the best bargain buy at particular times.

"At times, it appears that the public does not associate consumer activities with the Department—and in some cases, I suspect the urban family does not even know that the Department provides many consumer services.

"It is important that the public is aware that the Department makes available to them many valuable and useful services. But perhaps the most beneficial service the Department can perform is to insure an abundant and stable supply of food and fiber from the farmers of the Nation."

THE PROBLEMS OF MIGRATORY LABOR

Mr. JAVITS. Mr. President, today the Migratory Labor Subcommittee of the Senate Labor and Public Welfare Committee began hearings on a comprehensive, progressive and realistic legislative program which I commend to the attention of the Congress.

As a member of that subcommittee I want to express my respects for the job which Senator WILLIAMS of New Jersey has already done and is now doing as the chairman of the subcommittee. It is an ambitious program—11 bills aimed at a broad spectrum of social, educational and economic problems in the migratory labor area—and it is a program that will and quite properly should provoke honest debate, reasonable differences of opinion and assertions of varying self-interests.

Thus, for example, the plight of the migratory farm worker and his family in many sections of the country is a disgrace to the whole American community. But in many States and localities farmers and growers are most responsive to the needs of the migratory workers they employ; and State and local governments have enacted many progressive measures which help both employer and employee. My own State of New York has been a leader in this direction, and most segments of interest in our State's agricultural economy, including church and civic organizations, are facing up to problems realistically and acting responsibly to solve them.

Yet there is a need here for a national program—to supplement where State and local interests are already acting, to step in and lead where there is no responsible State or local force at work, to act where it is beyond the authority or jurisdiction of State and local interests.

I believe the subcommittee's legislative program for this Congress promises to meet in large measure this national need. Of particular interest, in this connection, is S. 1129 sponsored by Senator WILLIAMS and seven others of us, to provide an improved program of farm labor recruitment and transportation for the purpose of coordinating at an interstate level through the Secretary of Labor the demand for reliable workers with the available labor supply. The proposal also recognizes the need for a skilled, highly trained farm work force. It authorizes pilot projects for the training of farm workers in the increasing number of skills needed for modern farm work.

Senator WILLIAMS began to develop this idea at the Second Annual Conference of Families Who Follow the Crops, in San Jose, Calif., on October

24, 1960. In presenting the proposal to the conference, he said:

We now believe that we should perhaps think in terms of a program that would not only help develop a stabilized work force, but one which would also make certain that we will be prepared for the future when we are able to rely less and less on the migrant and more on a local, dependable, skilled work force.

Senator WILLIAMS discussed the idea in more detail at the National Farm Labor Conference in Cincinnati, Ohio, on February 7, 1961.

I ask unanimous consent to insert in the RECORD at this point in my remarks a portion of Senator WILLIAMS' remarks at the Farm Labor Conference in Cincinnati in February 1961, as well as an excerpt from the New York Times of April 6 on the subject of "'Hard Core' Unemployment in Farm Areas."

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

LEGISLATIVE PROSPECTS FOR 1961

(Address by Senator HARRISON A. WILLIAMS, JR., Democrat of New Jersey, at the National Farm Labor Conference, Hotel Sheraton-Gibson, Cincinnati, Ohio, Feb. 7, 1961)

LEGISLATIVE PROGRAM

Here is a brief rundown on the legislative program we will seek in 1961:

1. Education bills for children and adult migrants: Two such bills were introduced this spring, and they were favorably reported from the Education Subcommittee of the Senate Committee on Labor and Public Welfare. The bills would have helped States provide better education for transient youngsters through use of Federal funds for areas particularly affected by seasonal demands for agricultural workers. Programs for adults would offer courses in fundamental education and practical training in use of sanitary and other modern facilities.

At our California and Florida hearings in particular, we received much testimony in favor of these bills. We believe that the chances for progress this year are good.

2. Crew leader registration: Two bills were introduced in the 80th Congress. The final bill favorably reported from the subcommittee to the full Committee on Labor and Public Welfare combined features of both.

At our hearings we have heard few arguments against the proposals. Our chief objective, of course, is to establish some control over those relatively few labor contractors who make work arrangements between workers and farmer, and, in so doing, sometimes cheat both the grower and the laborer.

3. Minimum wage: The subcommittee will revise the proposals offered last year. As last year's bill did, our new one will again propose graduated yearly increments, but it will also contain provisions to preserve the piece-rate system.

4. Child labor: The testimony we have heard leads us to believe that the 16-year-old minimum wage we sought last year may be unrealistic. We have been told that a lower age may not be harmful to the youngsters; in fact some witnesses have suggested that the subcommittee might, if it insists on the 16-year-old level, actually deprive children and their families of certain advantages. We may offer a bill asking for a lower age level, with strict provisions to guard against hazardous work and loss of educational time if we do so.

5. Migrant housing: As you may know, I offered a bill early last year to guarantee loans or to offer low-interest direct loans to encourage official agencies and private nonprofit groups to offer satisfactory housing for farmworkers. I will offer additional provisions this year to cover housing for the migrant who wishes to become a homeowner and also for the worker who may spend the entire year at one farm. The subcommittee's work in California developed much evidence on the need for these additional provisions.

Grower groups in several States have indicated special interest in the housing proposal. We believe that this bill could benefit the farmer to a very great extent, as well as the worker.

6. Studies underway: The subcommittee staff is now studying two other areas not yet brought before the subcommittee in bill form.

We believe that Federal agencies could be of some help to the States in dealing with special interstate problems on unemployment compensation and workmen's compensation. We hope to offer our suggestions some time this year.

We are also working on an amendment to the child welfare laws to provide more Federal moneys for day care centers and other services for migrant children. With the cooperation of the Health, Education, and Welfare Department, we shall offer a study on child welfare provisions for migrants to the Appropriations Committee early next year.

We also are proposing an additional $3-million program to help migratory worker health programs.

Each of these bills would correct conditions which have arisen despite efforts of people like you, church groups, and individuals who believe that no suffering or want is morally justifiable in a compassionate society.

Each one is necessary, I firmly believe; each would, in my opinion, make its contribution to a stronger America because, as we should realize by now, low income and low prospects in any part of our Nation weakens the entire Nation.

But, dedicated as I am to each one of these bills—and I intend to do all possible this year and next to secure passage for each one of them—I can also see that they do only part of the job. If passed tomorrow they might have value for, perhaps, another decade or so.

STABILIZATION OF FARM WORK FORCE

During that decade our agricultural economy may change even more than it has changed since World War II. What changes will occur? The only prediction I'd be willing to make is that mechanization will bring accelerated reduction of the total work force. The role of the migrant will change.

And so, faced by this vision of our farm future, we have to do more than deal with its present ills. We must talk in terms of a phrase known to you, I'm sure: "The stabilization of our farm work force."

As Prof. Varden Fuller made so clear in Chicago at the National Conference To Stabilize Migrant Labor, the major goal of any national policy aimed at stabilizing migrant labor should be: "The establishment and maintenance of an employment environment that offers positive inducements to a resident core labor force that will have attachment to and identification with seasonal agriculture, and that will constitute an employment category in which workers will have a reasonably good chance of making a living."

We on the subcommittee have, so far, studied and sponsored legislation that would, in the final analysis, be of the greatest immediate help to migrants, not permanent workers. We now believe that we should perhaps think in terms of a program that would not only help develop a stabilized work force, but one which would also make certain that we will be prepared for the future when, as Professor Fuller envisions, we are able to rely less and less on the migrant and more on a local, dependable, skilled work force.

IMPLICATIONS OF MECHANIZATION

The prediction for the next 10 years points to a steadily decreasing labor force with an equally dramatic rise in the skills required by the agricultural worker.

Much reliable evidence points up the fact that we can no longer formulate long-range policy by looking to conditions prevailing under present and past agricultural employment situations.

As I said earlier, mechanization to an even greater extent than we now have is obviously ahead. Unless we have some plan to encourage development of a skilled work force we will be faced with a set of new problems before we can possibly cope with them. The fact is, however, that we do not have such a program, although all of the necessary State and Federal agencies for such an effort are already in existence.

ADDITIONAL FEDERAL HELP

Federal legislation could, therefore, conceivably help us frame one. We could, for instance, direct the Secretary of Labor to conduct a positive program of recruitment of domestic workers.

This, of course, would involve a finding of a labor shortage after full use of all local workers through day hauls and local recruitment. In addition, all interstate workers available through the use of the annual worker plan and clearance procedures would be completely utilized before a determination that a labor shortage existed.

The Secretary would initiate the recruitment in domestic supply areas; arrange for the transportation to reception centers located at points convenient to the demand areas; provide subsistence and necessary expenses to the workers while in transit; subject to standards developed by the Secretary covering transportation, feeding, and medical care.

At the reception centers, workers would be available to employers under agreements guaranteed by the Government. Such agreements could provide for prevailing wage payment; guarantees of a certain period of employment; that housing subsistence, and transportation furnished by the employer shall meet the standards necessary for health and safety.

The employer would exercise a free selection of workers; workers would have a free choice of job opportunities. The terms of the agreement would be worked out at the reception center pretty much as they are now between employers and workers. Return transportation would be guaranteed the worker completing his term of employment.

The employer would pay a service charge—$15 or so—per worker for transportation and subsistence furnished from point of recruitment to the reception center. After the selection of workers, the employer would assume the obligation of providing transportation, housing and other prerequisites provided for in the agreement.

In short, the Federal Government, in cooperation with State agencies would guarantee the performance of the employer with respect to the agreement while on the other hand, it would relieve the employer of his remaining obligations if the worker failed to complete his contract. The Government could also guarantee replacements of workers who left a job without reasonable cause.

This program can be carried out by enacting modern up-to-date legislation providing the terms and conditions of government

assistance, proper bounds for regulation and administration, and appropriate financing of the cost.

This proposed program will be greatly facilitated by the enactment of the housing legislation I've already described. The housing bill would provide technical assistance, low-cost financing and program development assistance for on-farm housing, community and centralized camps for group housing as well as some provision for rental purchase and self-help programs for agricultural workers who wish to become homeowners. Good housing, of course, is one of the basic foundations for a stabilized labor force.

Present users of foreign labor would not assume any additional financial burden by the recruitment of domestic workers under this program. On the other hand, this type of recruitment program will attract the more experienced, reliable, and efficient workers which, of course, has been one of the major concerns of employers regarding the use of domestic workers.

That such a program can work has been demonstrated over the past few years, particularly in the northwest, where some 3,000 Texas workers are brought in under conditions somewhat similar to those described here. The transportation advances and other guarantees of employment and earnings have been provided by employers with very little loss experienced. This is true because the workers are carefully selected and represent qualified, experienced, and reliable workers, who usually return year after year to the same employers.

The same careful selection and placement could be applied in a national program. If we find that a positive recruitment program—together with guaranteed protective features of the overall program—does not yield the number of domestic workers needed, I see no reason why supplementary foreign workers should not be added to whatever extent may be necessary.

TRAINING FOR THE FUTURE

Let's talk for a moment about training, too. We are importing foreign workers on a permanent basis to meet some of our needs, because no positive efforts have been made to attract qualified domestic workers. In other instances, workers are available in some rural areas where depressed conditions exist because of inadequate employment opportunities. These workers can be given appropriate training with the assistance of such agencies as the State extension service.

We might consider the inclusion of appropriate training programs with the guarantee of an employment opportunity upon completion of the prescribed course of training. Agricultural employers would have the assurance that workers were qualified and interested in employment by the successful completion of such training courses.

My discussion of these very tentative proposals brings the bracero program very much to mind, and we immediately see great similarities between that program and the one I have just described. And, while we can learn certain things from the bracero operation, we must remember that it is a supplementary program, not an ultimate one.

But what does it supplement?

At the present moment, it supplements a poorly identified, almost hodgepodge, labor force moving, generally, in erratic annual courses. Despite fine efforts of farm-labor placement services, the seasonal worker often fails to find work he wants from the farmer who would give it to him if he knew where to find him.

Given a farm-labor stabilization act, however, wouldn't we be in a much better position to evaluate the numbers, reliability, and skills of that domestic force?

We would finally know what we are supplementing. We could at last take a fairly reliable inventory of our home work force. We would simply be giving the Federal and State placement officials the tools they need for the logical extension of present efforts.

As you can see, there's much to think about when we talk of a farm labor stabilization act. Your help will be valuable and welcome.

SUMMARY

No matter how many laws we propose in Congress, we can hope for little accomplishment unless we have help from you and people like you in other States.

Throughout the Nation, more and more, our citizens are becoming aware of the injustices and deprivations faced by those who "follow the crops."

At a time when so many Americans apparently believe that all Americans are living in an affluent society, it is refreshing and significant that many individuals and organizations are taking time and pains to do something about a minority which, although it is comparatively small in a Nation of 180 million persons is, nevertheless, of significance beyond its numbers. If we believe in economic and social justice in this Nation, we must believe that all persons are eligible for both.

I've tried to make clear today that I believe that you and I will work together on our individual shares of the same problem. Let me say that I appreciate your help, but I realize that Congress should help on occasion, too. Which is simply my way of saying that Congress should pay closer attention to your representatives who tell us at appropriations hearings that you need more help and more funds to work with. You may wonder how we can ask you to do more each year, and then deny you the means with which to do it. I think that the new administration will be fully aware of your needs and sympathetic to them.

[From the New York Times, Apr. 6, 1961]

HARD-CORE UNEMPLOYMENT A RISING NATIONAL PROBLEM

(By A. H. Raskin)

A jobless miner stood on a sere hillside near Scranton, staring down at the shell of an abandoned Pennsylvania colliery. "I'm one of the lucky ones," he said. "I only have to wait 12 years till I get my social security."

In Pittsburgh, a railroad brakeman, out of work for 2 years, scowled at a stockbroker's ad with the caption, "Buy a Share in America."

"I can't even buy a wheelbarrow," he muttered. "When is America going to buy a share in me?"

The sense of uselessness that afflicts these two longtime foot soldiers in the army of the unemployed points up a problem that has become President Kennedy's most acute domestic worry.

It is the fear that millions of workers will remain on the industrial slag heap after the Nation's output of goods and services has shaken off its present slump and moved up to record heights.

FEAR HIGH JOBLESS LEVEL

Most of the President's economic advisers are convinced that the country will enter 1962 with no significant drop in the present level of 5,500,000 jobless workers. This view is widespread among officials who believe that the recession is near bottom and that business will start perking up in the next few months.

Their pessimism about any quick cut in the idle rate is a compound of concern over the hard core of unemployment that has become ingrained in many major areas and the underuse of productive facilities that has stemmed from the economy's failure to grow fast enough.

How deeply joblessness has settled in is reflected in the rising number on the idle rolls for 15 weeks or more. The 1,862,000 workers in this category represent one-third of all the unemployed. Eight hundred thousand have been workless for more than a half-year.

The problem of keeping workers like these from becoming frozen into unwantedness is made harder by the pouring into the work force during the sixties of millions of new workers, the vanguard of a generation born since World War II, eager to help build an expanding America. These youngsters will troop into the overfull labor market at a pace 40 percent faster than in the fifties.

NEW TECHNOLOGY EMERGES

They will come at a time when new technology is revolutionizing work methods in offices, factories, farms, mines, transport and distribution. Automation and other far-reaching industrial changes promise a vast expansion in our ability to make more and better goods with fewer and fewer workers.

They hold out the paradoxical vista of a limitless enrichment in our potential for human well-being and of mass misery for men and women whose opportunity to share in the fruits of technological progress may be gobbled up by the same machines that produce the new wealth.

A congressional subcommittee studying the manpower impact of automation got such an arresting picture recently of the future of electronic brains and mechanical muscles that its chairman, Representative ELMER J. HOLLAND, Democrat of Pennsylvania, told the industrial engineer who presented the testimony:

"These computers scare you. They will do away with Congress."

The engineer discreetly forbore to say whether he felt this should be cataloged under the head of the benefits or of burdens to be derived from automation.

GHOST TOWNS ON INCREASE

Long-term joblessness has put America's two most famous production centers, Detroit and Pittsburgh, on the chronic distress list alongside the ghost towns left in the wake of the flight of major textile mills from New England to the South many years ago.

Not one of the country's 150 major industrial areas now has an unemployment rate of less than 3 percent, the dividing line the Labor Department uses to determine when job openings are in balance with job seekers.

Two-thirds of the areas are on the trouble list, with unemployment running above 6 percent. In 30 big cities 1 out of every 11 workers is tramping the streets looking for a job he cannot find. In 13 centers the jobless toll is 1 out of 8 or higher. For the country as a whole, the ratio—adjusted to discount the effect of purely seasonal ups and downs in the job roster—is 6.9 percent, or roughly 1 in 15 without work.

In terms of the administration's pledge to "put America back to work," the gloomiest thing about these statistics is the memory that each slump since the end of the Korean conflict 8 years ago has left the country with a bigger carryover of encrusted joblessness than it had before.

RECOVERY PERIOD SHORTER

After each downturn in the business cycle, the period of recovery has been shorter and the swing toward reemployment weaker. This has meant more idle workers acting as a drag on the reviving economy and a quicker slip back into recession.

The upward thrust that reached its peak in July 1953, lasted for 45 months and brought the unemployment rate down to 2.7 percent. The slump of 1953–54 was followed by 35 months of improvement. This time the prosperity peak in July 1957, was accompanied by a jobless rate of 4.2 percent.

The upswing after the 1957–58 recession continued only 25 months before it hit its

crest last May. The unemployment rate stood at 5.1 percent and this was the jumping-off point for the present slide to a hard-times level of 6.9 percent.

What worries the White House is the fear that a sluggish upturn now would not only leave the jobless total close to 7 percent but would also insure another slump late in 1963 or early in 1964.

This fear is not diminished by the fact that the number of workers with jobs keeps setting new records each month. Shortly before March employment established a high for the month of 65,516,000, the President stressed that record job figures would never satisfy him while the no-help-wanted sign stayed up for millions in search of work.

The most optimistic members of the President's inner circle believe that it will be close to the end of next year before the country will approach the 4-percent-jobless rate Mr. Kennedy has fixed as his target for a level of full employment attainable without inflation. Other high officials are doubtful that present programs are adequate to achieve the goal at all.

GOLDBERG GIVES VIEWS

The most disquieting view of the dimensions of the problem comes from the Cabinet member in closest touch with it, Secretary of Labor Arthur J. Goldberg. He is convinced that the equivalent of 7 million new full-time jobs would have to be created in the next 12 months to bring idleness down to a true level in line with the Kennedy yardstick.

This estimate blends the total of those without any work, the deficit in employment of those working part time, the hordes of newcomers vying for jobs and the impact of technology. Huge as his figure is, Mr. Goldberg believes it understates the challenge. His own belief is that the administration should not ease up until it cuts unemployment to 3 percent. This would bring the job need close to 8 million.

The confidential forecasts of Labor Department analysts indicate a strong possibility that total unemployment in the early months of 1962 may top 6 million, the highest figure since the great depression. This would reflect a losing battle with the growth in the labor force, even if total national production went up by 4 percent this year. No administration economists count on a bigger rise in output than that.

The uncertainty over how fast and how far we will move toward reemployment flows from profound changes in the geography, character and composition of the economy, coupled with the thrust of competition from a fast-industrializing world.

WASHINGTON IS WORRIED

These are factors totally distinct from the normal seasonal fluctuations that often create confusion about whether unemployment is getting better or worse. Not the least of the current headaches in Washington is a suspicion that the country will conclude that all is well with the jobless now that their number has started the decline that is a traditional accompaniment of spring.

The hardest thing to understand about unemployment statistics is that the number of work-hunters can vary by as much as 1,900,000 from one part of the year to another with no basic improvement or deterioration in the job situation.

The explanation lies in the extent to which the seasons influence the flow of workers in or out of the labor market, regardless of whether the general business climate is bright or stormy.

Winter brings heavy lay-offs in the building trades and other outdoor jobs. The closing of schools in June means a big influx of youths looking for vacation work. Santa Claus always enrolls a substantial number of helpers in the pre-Christmas season and lets them out before New Year's.

To provide a true index of unemployment in constant terms, the Bureau of Labor Statistics has evolved a complex weighting system for the elimination of the distortions caused by such regular seasonal shifts.

WEIGHTING SYSTEM CITED

How these work can be seen by studying what would happen if the seasonally adjusted unemployment rate stayed at the March level of 6.9 percent for a full year. With such a frozen jobless rate, the actual number of unemployed in each month would show these variations:

1961	
March	5,500,000
April	5,000,000
May	4,800,000
June	5,600,000
July	5,200,000
August	4,600,000
September	4,200,000
October	4,000,000
November	4,600,000
December	4,700,000
1962	
January	5,700,000
February	5,900,000

A further complication is the extent to which concealed unemployment is built into the statistics in a way that is bound to slow the recall of laid-off employees after output starts climbing.

The present employment total includes 1,745,000 workers on short time who normally work full time. When business gets better, their employers are likely to lengthen their workweek before recalling those dropped from the payroll.

In the hard-hit manufacturing industries, the average workweek is running a full hour below the level of a year ago. This is the equivalent of 350,000 jobs that will be filled through more work by people now on the job, rather than by taking back the jobless.

An even more substantial factor in the ability of industrial activity to race ahead of reemployment is the sharp spurt in output per man-hour that invariably attends the first phases of a rising business cycle.

IDLE MUST STAND BY

The resurgence of market demand allows businesses, made lean by the enforced austerity of the downturn, to begin cashing in on their squeeze-out of waste and the fuller utilization of their most efficient equipment. Productivity surges forward at double or triple the normal growth rate—and the idle wait to be rehired.

The long-term shrinkage of manpower needs in key sectors of industry is an outgrowth of the same basic trend toward producing more with less human toil. It is a trend that has had much more dramatic expression on the farm than in the factory.

In the last 10 years our farms produced 28 percent more food and fiber with 28 percent fewer men, women, and children at work. This is the climax of a half-century-old move toward machine planting and harvesting that has cut the number of farmers and farmhands from one-third of the national work force to one-tenth and still left us with such vast crops that we pay the farmowners not to grow them.

Newly developed picking machines indicate the probability of even more spectacular gains in farm productivity in the next few years. Many experts believe these machines will eventually end the exploitation of the country's most depressed labor group, the half-million migrant farm workers, whose annual earnings average less than $1,000 and who live in squalor reminiscent of "Tobacco Road."

The question is what will become of these workers when the machines "emancipate" them from their bondage to the crops that pay them so poorly. Uneducated and unused to city life, how will they find jobs in industries that have long waiting lists of experienced workers they are unable to employ?

This is a much starker version of the worry that stalks tens of thousands of workers, shaken out of jobs in the railroads, coal mines, steel mills, automobile and aircraft factories and many other branches of industry long before the slump started putting its clamp on work opportunities ten months ago.

Rail employment has gone down from 2 million to 800,000 in the last four decades; the number of soft-coal miners has fallen from 700,000 to 200,000 in the same period. The bright side of these figures is that, without the increased efficiency they reflect, neither industry could have kept alive and there would have been no jobs for anyone.

But these triumphs over rival fuels and transportation systems are more comforting to those still employed than they are to the much larger number whose jobs have evaporated. Even the survivors are made anxious by the argument of rail management that featherbedding remains responsible for $600 million a year in manpower waste. The railroad unions have asked the President and Congress to halt all proposed railroad mergers on the gound that those now contemplated would add 200,000 jobs to the 400,000 abolished in the last 5 years.

The awareness of such large-scale job dislocations in other industries has heightened apprehension among office and factory workers at the advent of technological marvels that make it possible to do so much more with so much less labor.

No amount of assurances by employers and Federal manpower experts that the end result of new technology will be an expansion of both jobs and living standards have erased this apprehension. It goes beyond the security of present employment to disquiet over whether work doors will be locked against millions of war babies nearing the job market.

Altogether the United States will need 13,500,000 more jobs in the sixties merely to keep abreast of the expected growth in the labor force. This means an average of 25,000 new jobs each week, on top of those required to drain the reservoir of present unemployment and to replace jobs made superfluous by improved technology.

In the last year, despite the slackness of employment opportunities, 2,500,000 more people came into the job scramble than left it through death, age, sickness or voluntary withdrawal. This was more than double the 835,000 average annual growth in the working population in the last 10 years.

By the end of this decade, 3 million youngsters will be starting their quest for jobs each year, as against 2 million now. This almost automatically guarantees trouble in getting the overall unemployment rate down to 4 percent because the proportion of idleness among teenage workers is always far higher than it is among their elders.

YOUTHS ARE JOBLESS, TOO

Present unemployment among boys between 14 and 19 in the job force is 18 percent, almost triple the figure for men between 35 and 44. In the 20-to-24 age bracket the rate is over 14 percent.

The most dismaying aspect of these high figures is that in a period of increased stress on skill and science the Labor Department expects that 3 out of 10 of the 26 million youngsters seeking work in the sixties will have dropped out of high school without getting their diplomas. The unemployment rate for such dropouts runs close to 30 percent.

Among workers old enough to vote—and less disposed to hop from job to job when work is available—unemployment has hit hardest at the unskilled and semiskilled in manufacturing, mining, and transportation.

One out of every five laborers is jobless, along with one out of every eight semiskilled mechanics and factory hands.

By contrast, only 1 out of 50 professional and technical workers is out of a job, 1 out of 40 managers and executives and 1 out of 20 salesclerks and officeworkers. Much of this disparity between the plight of manual workers and those in the professional and clerical fields is, of course, attributable to the recession's concentrated impact on autos, steel and other hard-goods industries.

However, many analysts are convinced that a substantial part mirrors the long-term shift in the economy from production to service industries and from blue-collar to white-collar employment. In the last year blue-collar jobs for men dropped by 1,300,000 but whitecollar jobs rose by 600,000. Among women the trend was even more startling, with office and service jobs up 700,000 while manual jobs stood almost even.

This highlights one of the most challenging social phases of the hard-core unemployment problem. The freezeout of heavy jobs for men and the parallel expansion in lighter work openings for women is making the mother the breadwinner in many households while the father stays home with the kids.

In Masontown, Pa., near Pittsburgh, Mrs. Betty Milano tells a story that is a commonplace in many steel and coal towns. She has had to take a job in a shirt factory because her steelworker husband has been out of work for 6 months. Her third child is due in June.

Two-fifths of all the jobless—a total of 2,400,000—are heads of families, now unable to earn enough to support their dependents. Forty percent of these have wives or children at work to help pay the family bills.

The trend toward more working women is no recession phenomenon. The Government expects 6 million more women to be in the labor force in 1970 than there were last year This will bring their number to 30 million in a total force of 87 million. More important, it will mean a 25-percent rise in women workers while the number of men workers goes up only 15 percent.

Another troublesome social aspect of the squeeze on job opportunities for unskilled and semiskilled manual workers is the knockout blow it delivers to the employment hopes of many Negro workers. They have tended to find their steadiest and most rewarding jobs in the kind of mine, factory, and dock operations that lend themselves most readily to automation.

Despite the antidiscrimination laws that are supposed to immunize them against hiring bias, their current unemployment rate is more than double that of white workers. Handicapped by lack of education and the difficulty of breaking the bias barrier, many see little chance for acquiring the skills that might lead them into new endeavors.

EFFECT ON THE NEGROES

The justification for this despondent view is to be found in the figures on long-term unemployment, which show an even more lopsided proportion of Negroes than the general ranks of the unemployed. Workers over 45 also tend to become glued into chronic joblessness in disproportionate numbers.

An especially disquieting aspect of this condition is the extent to which the list of workers idle 15 weeks or longer has been climbing in good times as well as bad. In the prosperous period from 1951 through 1953, only about 250,000 workers were listed in this group. In the 1959–60 period their total had grown to nearly 1 million. Now the recession has brought it close to 2 million.

For many of these unwanted workers, the reemployment problem has been made tougher by the interstate and increasingly international battle for industry that has caused a large-scale transfer of work from established production centers in the East and Midwest.

The efficiency gains permitted by automation have stirred new interest by many companies in availing themselves of offers to move into community-built plants and enjoy tax privileges not available in their old locations.

Much of the resistance to the President's plan for aiding distressed areas, which the House passed last week, stemmed from fear, in the more industrialized States, that the holding out of subsidies by the needy regions would prompt still more employers to move to places where they could get ultramodern plants free, plus lower labor bills and a reprieve from union-enforced curbs on management.

A study by Seymour L. Wolfbein, Deputy Assistant Secretary of Labor, demonstrated recently how the postwar industrial map had changed to create stagnation in some areas while work opportunities multiplied in others.

Florida and the seven southwest States from California to Texas had an employment growth more than double the national average, while all 18 Eastern and Midwest States lagged behind the average. New Jersey was one of the few that came close.

Now a global dimension has been added to the industrial tug-of-war. U.S. companies have been investing nearly $3 billion a year in foreign properties. Union leaders have complained that much of this investment amounts to an export of American jobs abroad, especially where a significant share of the foreign production is shipped back to this country for sale in the domestic market.

Add to this the jeopardizing of jobs in many sections by the regular flow of low-price imports from low-wage countries, the pooling of facilities through business consolidations and the intensified cost-consciousness induced by the recession and the step-up in competition at home and abroad.

The sum of all these factors has left the White House certain that the gross national product—the yardstick that measures our total output of goods and services—can go up by as much as $20 billion from its present annual rate of roughly $500 billion with little or no reduction in the size of the unemployment problem.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. McNAMARA. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 13, 1961, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 12, 1961:

DIPLOMATIC AND FOREIGN SERVICE

John A. Calhoun, of California, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

John S. Everton, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

James K. Penfield, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

Edward J. Sparks, of New York, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

U.S. ATTORNEYS

Justin J. Mahoney, of New York, to be U.S. attorney for the northern district of New York for a term of 4 years, vice Theodore F. Bowes.

John O. Garaas, of North Dakota, to be U.S. attorney for the district of North Dakota for a term of 4 years, vice Robert Vogel.

Harold C. Doyle, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years, vice Clinton G. Richards.

FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1967:

Julian B. Thayer, of Connecticut.

Joe B. Zeug, of Minnesota.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 1961:

DEPARTMENT OF DEFENSE

Harold Brown, of California, to be Director of Defense Research and Engineering.

DEPARTMENT OF THE AIR FORCE

Joseph Scott Imirie, of New York, to be an Assistant Secretary of the Air Force.

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. Harrison Alan Gerhardt O18697, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clinton Stone Lyter O18291, Medical Corps, U.S. Army.

Brig. Gen. Charles Wythe Gleaves Rich O19910, Army of the United States (colonel, U.S. Army).

Brig. Gen. Reuben Henry Tucker 3d O19894, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Tabb Snodgrass O29670, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Wilson Power O18691, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Dyce Alger O19848, Army of United States (colonel, U.S. Army).

Brig. Gen. Charles John Timmes O29777, Army of the United States (colonel, U.S. Army).

To be brigadier generals

Col. William Nels Redling O31516, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Martin Cone O20658, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Gordon O'Brien O42171, Judge Advocate General's Corps, U.S. Army.

Col. Douglass Phillip Quandt O20605, Army of the United States (lieutenant colonel, U.S. Army).

Col. Chester Lee Johnson O20681, Army of the United States (lieutenant colonel, U.S. Army).

Col. Douglas Blair Kendrick, Jr., O20511, Medical Corps, U.S. Army.

Col. Kenneth Francis Dawalt O20226, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Leon Rowny O23744, Army of the United States (major, U.S. Army).

Col. Robert Henry Schellman O22002, Army of the United States (lieutenant colonel, U.S. Army).

Col. Roy Lassetter, Jr., O51714, U.S. Army.

Col. Frederic William Boye, Jr., O21891, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Clinton Clayman O20866, Army of the United States (lieutenant colonel, U.S. Army).

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 12, 1961

The House met at 12 o'clock noon.

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

From one of the greatest of all the penitential psalms, Psalm 51: 10: *Create in me a clean heart, O God; and renew a right spirit within me.*

Eternal God, in this moment of prayer, may our spirit be brought into tune with Thy Spirit and receive the needed strength and wisdom for the duties and demands of this new day.

We humbly confess that again and again we break faith with Thee and our own higher and better self by living on those lower levels to which the secular world is continually seeking to draw us.

Create within our hearts a nobler and more magnanimous spirit and endow our minds with a clear vision of that blessed day when righteousness and justice shall rule the thoughts and ways of men and nations.

Grant that some finer essence of good will and love may temper the soul of all mankind and show us how we may have a larger part in sustaining and strengthening the moral and spiritual fiber of the human race.

Hear us in Christ's name. Amen.

THE JOURNAL

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

AREA REDEVELOPMENT ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1) to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

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

The Chair hears none and appoints the following conferees: Messrs. SPENCE, PATMAN, RAINS, MULTER, KILBURN, MCDONOUGH, and WIDNALL.

COMMITTEE ON RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain reports.

PROGRAM FOR THE BALANCE OF THE WEEK

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

Mr. ARENDS. Mr. Speaker, reserving the right to object—and, of course, I shall not object—I wonder if the majority leader would be good enough to advise us as to any program for the balance of the week?

Mr. McCORMACK. Mr. Speaker, if the Committee on Rules reports out a rule on the bill for direct loans to veterans, that will be programed for tomorrow.

Also, for tomorrow we have Pan American Day. I have no information of any other legislation for the remainder of the week. I should like to make a slight reservation in case anything unexpected should arise.

Mr. ARENDS. Mr. Speaker, I thank the gentleman; and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK].

There was no objection.

SUBCOMMITTEE ON ELECTIONS, HOUSE ADMINISTRATION COMMITTEE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration have permission to sit during general debate today.

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

There was no objection.

MILITARY CONSTRUCTION CONTRACTS TO "BROKER" TYPE CONTRACTORS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. SHEPPARD. Mr. Speaker, the question of the award of military construction contracts to broker type contractors has been discussed on this floor on several occasions. It is well known that this type of contractor has been a plague to the military construction program. In this connection I would like to call to the attention of the House a recent directive of the Department of Defense which is a step in the right direction toward controlling this problem. I am inserting this directive in the RECORD at this point and urge each of you to give it your consideration.

The military construction program has been plagued for some time by the award of contracts to so-called broker contractors. This type of contractor is awarded a project and does little if any of the work with his own forces but performs most of it by subcontracting. He all too frequently seeks to make his profit by chiseling on the Government and subcontractors wherever possible. You will recall that this was discussed to some extent during the recent debate on the military construction authorization bill. The Committee on Appropriations has been aware of this problem for some time and has been working with the Department of Defense in both the Kennedy and Eisenhower administrations, to find a solution to the problem. I am happy to call to the attention of the House certain correspondence I received from the Assistant Secretary of Defense, Installations and Logistics, including a memorandum for the several services outlining action to be taken in this respect. Many of us, perhaps, would like to see more drastic action taken, but certainly this regulation is a step in the right direction and the Assistant Secretary and his staff are to be congratulated for putting it into effect. Briefly, this amendment to the Armed Services Procurement Regulations provides that the prime contractor on any construction contract shall perform with his own organization work equivalent to at least 20 percent of the total amount of the work to be performed under the contract. In the case of Armed Forces housing contracts this percentage is changed to 15 percent. It should be noted that the required percentage is the minimum amount and the actual percentage shall be the maximum consistent with the nature of the work. The contractors are also required in submitting a bid to submit a description of the work which he will perform with his own organization and the estimated cost thereof. I am inserting in the RECORD at this point the correspondence which has been supplied me on this matter:

APRIL 6, 1961.

Hon. HARRY SHEPPARD,
Chairman, Subcommittee on Military Construction, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: We are pleased to send you the attached copies of a memorandum, dated April 1, 1961, instituting a Department-of-Defense-wide policy with regard to performance of work with own organization by construction contractors.

Sincerely yours,

THOMAS D. MORRIS,
Assistant Secretary of Defense, Installations and Logistics.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C. April 1, 1961.

Memorandum for the Assistant Secretary of the Army (Logistics), Assistant Secretary of the Navy (Installations and Logistics), Assistant Secretary of the Air Force (Materiel), Special Assistant for Installations, Office of the Secretary of the Air Force.

Subject: Construction contracts, performance and supervision of work.

Effective April 30, 1961, the clause set forth in the attachment shall be included in all construction contracts, including contracts made under the armed services housing program, estimated to exceed $1 million. In addition, this clause may be included in any other construction contract as may be deemed appropriate. Use of the subject clause is authorized upon receipt of this memorandum. Outstanding invitations for bids are exempt from this requirement provided resulting contracts are awarded before May 30, 1961.